

2021 Senate Journals

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JOURNAL OF THE SENATE
ONE HUNDRED FIRST GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY—WEDNESDAY, JANUARY 6, 2021

The Senate was called to order at 12:00 noon by Lieutenant Governor Mike Kehoe.

The Reverend Carl Gauck offered the following prayer:

“I like dreams of the future than the history of the past.” (Thomas Jefferson 1816)

Gracious God, we begin a new session, a new decade and century for this Senate. As we do so let us have learned the lessons from its history and move into Your future for us as we seek to deal with the continual Covid-19 that plagues us and the difficulties it has brought our state and nation. Let us be mindful of our responsibilities that laid before us and be faithful to our vows and duties for which has brought us to work together for the citizens of Missouri. In Your Holy Name we pray. Amen.

Missouri State Highway Patrol, Troop F presented the Colors.

The Pledge of Allegiance to the Flag was recited.

“God Bless America” was performed by Senator Caleb Rowden.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate Rules of the 2nd Regular Session of the One Hundredth General Assembly until temporary or permanent rules are adopted.

Photographers from the Jefferson City News Tribune and St. Louis Post-Dispatch were given permission to take pictures in the Senate Chamber.

Senator Rowden submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem Dave Schatz

Secretary of Senate Adriane D. Crouse

Sergeant-at-Arms Marty Drewel

Senator Rowden requested unanimous consent of the Senate that the above named officers stand as temporary officers until permanent officers are elected, which request was granted.

MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 101st General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 101st General Assembly (First Regular Session) of the State of Missouri, elected at the November 6, 2018 General Election and the November 3, 2020 General Election.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 6th day of January, 2021.

/s/ Jay Ashcroft

John R. Ashcroft

SECRETARY OF STATE

(Seal)

MISSOURI STATE SENATORS

Elected November 6, 2018

District	Name
2nd	Bob Onder
4th	Karla May
6th	Mike Bernskoetter
8th	Mike Cierpiot
10th	Jeanie Riddle
12th	Dan Hegeman
14th	Brian Williams
16th	Justin Dan Brown
18th	Cindy O'Laughlin
20th	Eric W. Burlison
22nd	Paul Wieland
24th	Jill Schupp
26th	Dave Schatz
28th	Sandy Crawford
30th	Lincoln Hough
32nd	Bill White
34th	Tony Luetkemeyer

MISSOURI STATE SENATORS**Elected November 3, 2020**

District	Name
1st	Doug Beck
3rd	Elaine Freeman Gannon
5th	Steve Roberts
7th	Greg Razer
9th	Barbara Anne Washington
11th	John Joseph Rizzo
13th	Angela Walton Mosley
15th	Andrew Koenig
17th	Lauren Arthur
19th	Caleb Rowden
21st	Denny Hoskins
23rd	Bill Eigel
25th	Jason Bean
27th	Holly Rehder
29th	Mike Moon
31st	Rick Brattin
33rd	Karla Eslinger

The newly elected Senators rose and subscribed to the oath of office, which was administered by Chief Justice George W. Draper, III of the Missouri Supreme Court.

On roll call the following Senators were present:

Present—Senators

Arthur	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators

Bernskoetter	Burlison	Schupp—3
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Vacancies—None

The Lieutenant Governor was present.

The President declared the First Regular Session of the 101st General Assembly convened.

RESOLUTIONS

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the One-hundred and First General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the One Hundredth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the One-hundred and First General Assembly, First Regular Session, until permanent rules are adopted.

Senator Rowden moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Rowden nominated Senator Dave Schatz for President Pro Tem. Senator Schatz's nomination was seconded by Senator Hegeman.

No further nominations being made, Senator Schatz was elected President Pro Tem by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bernskoetter	Burlison	Schupp—3
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Vacancies—None

Senator Schatz was escorted to the dais by Senator Rowden and subscribed to the oath of office of President Pro Tem administered by the Honorable Zel M. Fischer.

President Pro Tem Schatz assumed the dais and delivered the following address:

Opening Address

Senator Dave Schatz, President Pro Tem

First Regular Session, 101st General Assembly

January 6, 2021

My fellow Senators, Lt. Governor Kehoe, Justices Draper and Fischer, families and guests: welcome. I am humbled to stand before you today as we begin the 101st General Assembly.

When Democratic Governor Frederick Gardner left office in 1921, he said,

“I think it is no exaggeration to say that the last four years have been the most eventful in the history of civilization. The whole world has been turned upside down.”

He went on to say, “The task of a public official during these years has been a trying one. At times, it has been heart-rending, because one felt so unequal to what appeared to be superhuman demands and expectancy.”

In 2021, one hundred years later, we face the same monumental hurdles: a global pandemic has taken hundreds of thousands of lives and sewn

uncertainty like none of us have ever seen. Rapid changes continue to ripple throughout our society and economy. Life is difficult, families are struggling—to put it bluntly, Missourians are exhausted.

And just as the Republicans in 1921 had done, my Republican colleagues and I are riding a wave of electoral victories across the state. Yet in his inaugural address, Missouri’s newly elected Republican Governor Arthur Hyde skipped the typical pomp and self-congratulations—recognizing instead that this “...is a time for self-appraisal, for recognition of our solemn duties and responsibilities.”

One hundred years ago Missourians heeded the call. They took serious action together, and overcame seemingly insurmountable obstacles. They overhauled their schools—leaving behind the one-room schoolhouses of the past and investing in the modern tools to educate and empower a new century of Missourians.

They reorganized state government—eliminating inefficiencies, removing stifling bureaucratic hurdles, and shining a light on all-too-common political patronage and corruption.

And they undertook the most ambitious infrastructure program in state history—opening up rural communities, creating opportunity, and unshackling the state’s economy by laying out thousands of miles of new roads, highways, and bridges.

As we begin the 101st General Assembly, we can be hopeful the worst is behind us. But make no mistake—there will be difficult challenges ahead as we work to recover, restore, and rebuild.

Many of you are here having just fought through tough elections. You made promises to your constituents.

Missourians are counting on us to honestly and seriously confront the issues facing our schools, public safety, infrastructure, and economy. It’s time for us to lead and deliver.

Just as we pause to reflect on the obstacles overcome in this chamber a century ago, I hope future Missourians will look back at the work we began today—and see serious, solemn leaders who came together, with purpose, to chart a path towards a safer, more prosperous, more resilient Missouri.

I believe we are capable of making that future a reality—and I am eager to work together with all of you to make it happen.

Thank you all, and God Bless the great state of Missouri.

President Kehoe assumed the Chair.

Senator Schatz nominated Adriane D. Crouse for Secretary of Senate.

No further nominations being made, Ms. Crouse was elected by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bernskoetter	Burlison	Schupp—3
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Vacancies—None

Senator Schatz nominated Marty Drewel for Sergeant-at-Arms.

No other nominations being made, Mr. Drewel was elected by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
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Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bernskoetter Burlison Schupp—3

Vacancies—None

Adriane D. Crouse and Marty Drewel advanced to the bar and subscribed to the oath of office, which was administered by Chief Justice George W. Draper, III.

RESOLUTIONS

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the One-hundred and First General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem	Dave Schatz
Secretary of Senate	Adriane D. Crouse
Sergeant-at-Arms	Marty Drewel

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

On motion of Senator Rowden, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

RESOLUTIONS

Senator Crawford offered Senate Resolution No. 3, regarding Corrections Officer II (CO-II) Matthew Spencer, Sedalia, which was adopted.

Senator Schatz offered the following resolution:

SENATE RESOLUTION NO. 4

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 26th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the One Hundred First General Assembly, First Regular Session, that Senate Rules 6, 25, 28, 60, 61, 64, 88, and 96, be amended to read as follows:

Rule 6. Upon the written request of the sponsor or floor handler of a bill, the committee on rules, joint rules, resolutions, and ethics may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee on rules, joint rules, resolutions, and ethics with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. Except as otherwise provided for in this paragraph, only the regular appropriation bills, including the deficiency and the omnibus bills, bills providing for legislative or congressional redistricting, bills producing more than three million dollars in additional state revenue, bills implementing amendments to the Missouri Constitution which were adopted at the immediately preceding state primary or general election, and bills requiring passage in order that the state receive funds from the federal government for the institution, continuance or expansion of federal-state programs, may be called up or considered out of the order in which the bill appears on the formal calendar of the senate.

All bills reported to the senate floor by the Committee on **Governmental Accountability and Fiscal Oversight** shall be placed on the appropriate formal calendar in a position, as near as may be, to that position which the bill would have had absent referral to the Committee on Governmental Accountability and Fiscal Oversight.

Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, [8] **9** members.
3. Committee on Appropriations, 13 members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, [11] **9** members.
6. Committee on Education, 9 members.
7. [Committee on Fiscal Oversight, 7 members.
- 8.] Committee on General Laws, 7 members.
- [9.] **8.** Committee on [Government Reform, 7] **Governmental Accountability and Fiscal Oversight, 8** members.
- [10.] **9.** Committee on Gubernatorial Appointments, 11 members.
- [11.] **10.** Committee on Health and Pensions, 7 members.
- [12.] **11.** Committee on Insurance and Banking, 7 members.
- [13.] **12.** Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
- [14.] **13.** Committee on Local Government and Elections, 7 members.
- [15.] **14.** Committee on Professional Registration, 7 members.
- [16.] **15.** Committee on Progress and Development, 5 members.
- [17.] **16.** Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
- [18.] **17.** Committee on Seniors, Families [and Children, 7], **Veterans, and Military Affairs, 8** members.
- [19.] **18.** Committee on Small Business and Industry, 8 members.
- [20.] **19.** Committee on Transportation, Infrastructure and Public Safety, 7 members.
- [21. Committee on Veterans and Military Affairs, 7 members.]
- [22.] **20.** Committee on Ways and Means, [8] **7** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings

purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon all bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental preservation.

5. The Committee on Economic Development shall consider and report upon bills and matters referred to it relating to the promotion of economic development, creation and retention of jobs, tourism and the promotion of tourism as a state industry, and community and business development.

6. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

7. [The Committee on Fiscal Oversight shall consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Fiscal Oversight for its consideration prior to it being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Fiscal Oversight. The author or first named sponsor of a bill referred to the Committee on Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the Committee on Fiscal Oversight.

8.] The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

[9.] **8. The Committee on [Government Reform] Governmental Accountability and Fiscal Oversight shall review, study, and investigate all matters referred to it relating to the application, administration, execution, and effectiveness of all state laws and programs, the organization and operation of state agencies and other entities having responsibility for the administration and execution of state laws and programs, and any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation to improve the efficiency of any state law or program. Any findings of the committee may be reported to the senate and the Committee on Appropriations. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management. The Committee on Governmental Accountability and Fiscal Oversight shall also consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$250,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act, or that result in an increase in revenue to the state in excess of \$250,000 during any of the first three years in which the provisions of the Act will be fully implemented. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to it being considered by the senate for third reading and final passage. Any senate or house bill amended so as to increase expenditures or reduce revenue in excess of \$250,000 during any of the first three years that public funds will be used to fully implement its provisions, or amended so as to increase revenue to the state in excess of \$250,000 during any of the first three years in which its provisions will be fully implemented, shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal**

Oversight. The author or first named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the Committee on Governmental Accountability and Fiscal Oversight.

[10.] **9.** The Committee on Gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

[11.] **10.** The Committee on Health and Pensions shall consider and report upon bills and matters referred to it relating to health, MO HealthNet, alternative health care delivery system proposals, public health, disease control, hospital operations, mental health, developmental disabilities, and substance abuse and addiction. The committee shall also consider and report upon bills and matters referred to it concerning retirement and pensions and pension plans.

[12.] **11.** The Committee on Insurance and Banking shall consider and report upon bills and matters referred to it relating to the ownership and operation of insurance and banking; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills and matters referred to it relating to banks and banking, savings and loan associations, and other financial institutions in the state.

[13.] **12.** The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

[14.] **13.** The Committee on Local Government and Elections shall consider and report upon bills and matters referred to it relating to the county government, township organizations, and political subdivisions. The committee shall consider and report upon bills and matters referred to it relating to election law.

[15.] **14.** The Committee on Professional Registration shall consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.

[16.] **15.** The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

[17.] **16.** The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[18.] **17.** The Committee on Seniors, Families [and Children], **Veterans, and Military Affairs** shall consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, and child support enforcement. **The Committee shall also consider and report upon bills and matters concerning veterans and military affairs.**

[19.] **18.** The Committee on Small Business and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses. The committee shall also take into consideration and report on bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

[20.] **19.** The Committee on Transportation, Infrastructure and Public Safety shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses and matters relating to the safety of the general public.

[21.] **20.** The Committee on Veterans and Military Affairs shall consider and report upon bills and matters concerning veterans' and military affairs.

22.] **20.** The Committee on Ways and Means shall consider and report upon bills and matters referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 60. An amendment shall not go beyond the second degree to an original bill. **No amendment shall be adopted by the senate until such amendment has been distributed to each member of the senate. Electronic distribution shall be an acceptable form of distribution.** All amendments adopted by either house to a bill pending and originating in the same shall be incorporated in the bill, and the bill as perfected shall before the third reading and final passage, be printed for the use of the members. The printing of bills ordered to third reading and final passage shall be under the supervision of the Committee on Rules, Joint Rules, Resolutions and Ethics, whose report shall set forth that they find the printed copy of such bills as theretofore agreed and furnished for the use of the members is correct. A correct record of each day's proceedings in each house shall be furnished for the use of the members of the general assembly before the record is approved and no bill shall be signed by the presiding officer of either house until such printed copy thereof shall have been furnished for the use of the members of the general assembly and the record of the previous day shall have been approved. When agreed to by both houses, the bill as finally passed shall be typed or printed and signed by the presiding officer of each house and transmitted to the governor.

Rule 61. If a bill passed by the senate is returned thereto, amended by the house, the senate shall cause the amendment or amendments received to be printed and copies distributed among the members before final action on such amendments. **Electronic distribution shall be an acceptable form of distribution.** (Constitution, Art. III, Sec. 24.)

Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. **No substitute shall be adopted by the senate until such substitute has been distributed to each member of the senate. Electronic distribution shall be an acceptable form of distribution.** A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to amendment by a further floor substitute. No further amendments or substitutes may be entertained after the senate adopts a substitute bill.

Rule 88. After a motion is stated by the chair, it is deemed to be in possession of the senate, but may be withdrawn at any time [before a decision or amendment, but afterwards only with the consent of the senate] **by the sponsor or handler before a vote on said motion.**

Rule 96. 1. [Laptop computers may be used by the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. Beginning March 29, 2016,] Laptop computers may be used by **Senators**, Senators' staff and senate staff at the staff table, **by the Secretary of the Senate at the dais**, and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **An electronic device approved by the Committee on Administration and provided by the Senate that is capable of monitoring legislation may be used by a Senator in the chamber.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

Senator Riddle offered Senate Resolution No. 5, regarding Marie L. Bounds, Farber, which was adopted.

COMMITTEE APPOINTMENTS

President Pro Tem Schatz submitted the following committee appointments, which were read:

Administration:

Senator David Schatz – Chair
 Senator Caleb Rowden – Vice Chair
 Senator Jeanie Riddle
 Senator John Rizzo
 Senator Lauren Arthur

Gubernatorial Appointments:

Senator David Schatz – Chair
 Senator Caleb Rowden – Vice Chair

Senator Jason Bean
Senator Karla Eslinger
Senator Tony Luetkemeyer
Senator Mike Moon
Senator Jeanie Riddle
Senator Paul Wieland
Senator Lauren Arthur
Senator John Rizzo
Senator Brian Williams

Rules, Joint Rules, Resolutions and Ethics:

Senator Caleb Rowden – Chair
Senator David Schatz – Vice Chair
Senator Mike Bernskoetter
Senator Sandy Crawford
Senator Tony Luetkemeyer
Senator Karla May
Senator John Rizzo

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2021, while the Senate was not in session.

Samuel Adams, 610 Palace Court, Saint Louis, Saint Louis County, Missouri 63135, as a member of the State Board of Mediation, for a term ending April 1, 2021, and until his successor is duly appointed and qualified; vice, Robert G. Miller, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2021, while the Senate was not in session.

Meghan M. Arnold, Republican, 510 Misty Moss Lane, Saint Peters, Saint Charles County, Missouri 63376, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2024, and until her successor is duly appointed and qualified; vice, H. John Visser, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Dr. Stacia R. Bradley Brown, Independent, 6208 East 109th Street, Kansas City, Jackson County, Missouri 64134, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2022, and until her successor is duly appointed and qualified; vice, Dr. Stacia R. Bradley Brown, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Tony Bryan, 720 Autumn Glen Lane, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2024, and until his successor is duly appointed and qualified; vice, Tony Bryan, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Stephen A. Bubanovich, 727 Carter 127, Van Buren, Carter County, Missouri 63965, as a member of the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, for a term ending September 30, 2024, and until his successor is duly appointed and qualified; vice, Craig Lucas, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2021, while the Senate was not in session.

Danny P. Chadakhtzian, Independent, 12829 Stump Road, Des Peres, Saint Louis County, Missouri 63131, as a member of the Missouri

Housing Development Commission, for a term ending October 13, 2024, and until his successor is duly appointed and qualified; vice, Jeffrey S. Bay, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2021, while the Senate was not in session.

Edward A. Cline, Independent, 10 Thornaby Road, Hannibal, Marion County, Missouri 63401, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2023, and until his successor is duly appointed and qualified; vice, Lorene Van Dam, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Gabriel Cline, 3194 West Knob Hill Street, Springfield, Greene County, Missouri 65810, as a member of the State Committee of Psychologists for a term ending December 14, 2025, and until his successor is duly appointed and qualified; vice, Mariann Burnetti-Atwell, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Celeste Cramer, 32 Freida Lane, Clever, Stone County, Missouri 65631, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2022, and until her successor is duly appointed and qualified; vice, Celeste Cramer, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2020, while the Senate was not in session.

Dan E. Cranshaw, Democrat, 1106 West 47th Street, Apartment N203, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Development Finance Board, for a term ending September 14, 2022, and until his successor is duly appointed and qualified; vice, Reuben Shelton, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Shawn G. Foster, Independent, 2801 Nutall Court, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2025, and until his successor is duly appointed and qualified; vice, Shawn G. Foster, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Brian Gerau, Republican, 803 Lakeview Crossing, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2023, and until his successor is duly appointed and qualified; vice, Brian Gerau, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Sam Gladney, 2 Price Court, Olivette, Saint Louis County, Missouri 63132, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2023, and until his successor is duly appointed and qualified; vice, Constance Gully, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Chad Greer, 1311 Fairmont Drive, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, for a term ending September 30, 2024, and until his successor is duly appointed and qualified; vice, Martha John, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Gary Jungermann, 7353 State Road C, Fulton, Callaway County, Missouri 65251, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2024, and until his successor is duly appointed and qualified; vice, Gary Jungermann, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Anita Marlay, Republican, 701 Graham Point, Camdenton, Camden County, Missouri 65020, as a member of the State Committee of Dietitians, for a term ending June 11, 2022, and until her successor is duly appointed and qualified; vice, Anita Marlay, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Virginia A. Mennemeyer, 145 Fairway Lane, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Dental Board, for a term ending October 16, 2025, and until her successor is duly appointed and qualified; vice, Kevin Wallace, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2020, while the Senate was not in session.

Mary Meyer Keyes, 1412 East Catalpa Street, Springfield, Greene County, Missouri 65804, as a member of the Children's Trust Fund Board, for a term ending September 15, 2021, and until her successor is duly appointed and qualified; vice, Amy Layman, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Adam Nanney, Independent, 345 Edwards Drive, Holts Summit, Callaway County, Missouri 65083, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2024, and until his successor is duly appointed and qualified; vice, Charles Adams, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Lisa K. Norton, Independent, 18235 State Road DD, Saint Joseph, Andrew County, Missouri 64505, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2025, and until her successor is duly appointed and qualified; vice,

Lisa K. Norton, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Daniel B. Oerther, Republican, 200 Lovers Lane, Rolla, Phelps County, Missouri 65401, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2024, and until his successor is duly appointed and qualified; vice, Elizabeth Aull, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2020, while the Senate was not in session.

John Parry, Republican, 2101 Liberty Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri Development Finance Board, for a term ending September 14, 2024, and until his successor is duly appointed and qualified; vice, Kelley Martin, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2021, while the Senate was not in session.

Stephen J. Parshall, Independent, 1209 Dunbar Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2021, and until his successor is duly appointed and qualified; vice, William Miller, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2020, while the Senate was not in session.

Dale Hardy Roberts, 5820 Eagle Lake Drive, Ashland, Boone County, Missouri 65010, as a member of the State Board of Mediation, for a term ending April 1, 2021, and until his successor is duly appointed and qualified; vice, Lewis B. Moye, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Gregg A. Roberts, 3002 Frederick Avenue, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2024, and until his successor is duly appointed and qualified; vice, Gregg A. Roberts, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Ann Rost, 115 Kimberly Court, Marshfield, Webster County, Missouri 65706, as a member of the State Committee of Psychologists for a term ending December 14, 2025, and until her successor is duly appointed and qualified; vice, Mark H. Kinder, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2020, while the Senate was not in session.

Debra Ann Schumer, Republican, 1616 County Road 318, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Board of Health and Senior Services, for a term ending October 13, 2024, and until her successor is duly appointed and

qualified; vice, RSMO 191.400.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Stacie M. Scrivner, 1040 Circle Drive, Mount Vernon, Lawrence County, Missouri 65712, as a member of the Missouri Dental Board, for a term ending October 16, 2025, and until her successor is duly appointed and qualified; vice, Nancy Maus, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Frederic M. Steinbach, 237 South Greentrails Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2022, and until his successor is duly appointed and qualified; vice,

Frederic M. Steinbach, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Amy Diane Strauss, 1236 West Cardinal Street, Springfield, Greene County, Missouri 65810, as a member of the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, for a term ending September 30, 2021, and until her successor is duly appointed and qualified; vice, Abiodun Adewale, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 16, 2020, while the Senate was not in session.

Shanda D. Trautman, Democrat, 615 North Althea Avenue, Nixa, Christian County, Missouri 65714, as a member of the State Technical College of Missouri Board of Regents, for a term ending December 29, 2021, and until her successor is duly appointed and qualified; vice, Shanda D. Trautman, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Virgil L. White, III, 14150 Northwest 65th Court, Kansas City, Platte County, Missouri 64152, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2023, and until his successor is duly appointed and qualified; vice, Virgil L. White, III, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Jill Williams, 8 Country Breeze Circle, Eldon, Miller County, Missouri 65026, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2022, and until her successor is duly appointed and qualified; vice, Jill Williams, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 15, 2020, while the Senate was not in session.

Jennifer Williams Tinnel, 6908 Hickory Hollow Street, Kansas City, Platte County, Missouri 64152, as a member of the Missouri Dental Board, for a term ending October 16, 2022, and until her successor is duly appointed and qualified; vice, Alvin Sams,

withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2020, while the Senate was not in session.

Robert D. (Bob) Wollenman, Republican, 11492 County Road 375, Saint Joseph, Andrew County, Missouri 64505, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2026, and until his successor is duly appointed and qualified; vice, Deborah J. Smith, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

FIRST READING OF PRE-FILED SENATE BILLS

As provided by Chapter 21, RSMo, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1—By Hegeman.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

SB 2—By Hegeman.

An Act to repeal sections 620.2005 and 620.2010, RSMo, and to enact in lieu thereof two new sections relating to economic incentives for the creation of military jobs.

SB 3—By Hegeman.

An Act to repeal sections 516.120 and 516.140, RSMo, and to enact in lieu thereof two new sections relating to the statute of limitations for personal injury claims.

SB 4—By Wieland.

An Act to repeal sections 303.025 and 303.041, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle financial responsibility, with penalty provisions.

SB 5—By Wieland.

An Act to repeal section 68.075, RSMo, and to enact in lieu thereof one new section relating to advanced industrial manufacturing zones.

SB 6—By Wieland.

An Act to repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to credit for reinsurance.

SB 7—By Riddle.

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

SB 8—By Riddle.

An Act to repeal sections 334.010 and 335.076, RSMo, and to enact in lieu thereof three new sections relating to licensing requirements for certain health care providers.

SB 9—By Riddle.

An Act to repeal section 337.068, RSMo, and to enact in lieu thereof one new section relating to prisoner complaints against a psychologist's license.

SB 10—By Schatz.

An Act to repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof nine new sections relating to illegal gambling, with existing penalty provisions and an emergency clause.

SB 11—By Schatz.

An Act to amend chapter 324, RSMo, by adding thereto eleven new sections relating to statewide mechanical contractor licenses, with penalty provisions.

SB 12—By Onder.

An Act to repeal sections 77.530, 79.380, 192.300, and 205.031, RSMo, and to enact in lieu thereof six new sections relating to public health, with an existing penalty provision.

SB 13—By Onder.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to health care.

SB 14—By Onder.

An Act to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to identification requirements for voting in elections.

SB 15—By Schupp.

An Act to amend chapter 571, RSMo, by adding thereto two new sections relating to the sale or transfer of weapons, with penalty provisions.

SB 16—By Schupp.

An Act to amend chapter 285, RSMo, by adding thereto six new sections relating to leave from employment for victims of certain crimes.

SB 17—By Schupp.

An Act to repeal sections 115.277, 115.279, 115.283, and 115.291, RSMo, and to enact in lieu thereof four new sections relating to absentee voting, with existing penalty provisions.

SB 18—By Hoskins.

An Act to repeal sections 313.230 and 313.800, RSMo, and to enact in lieu thereof eighteen new sections relating to sports wagering, with penalty provisions.

SB 19—By Hoskins.

An Act to repeal section 313.230, RSMo, and to enact in lieu thereof nine new sections relating to video lottery, with penalty provisions.

SB 20—By Hoskins.

An Act to repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to county public health orders, with existing penalty provisions.

SB 21—By Koenig.

An Act to repeal sections 44.100, 77.530, 79.380, 192.006, 192.020, 192.300, and 192.320, RSMo, and to enact in lieu thereof thirteen new sections relating to public health, with an existing penalty provision and an emergency clause.

SB 22—By Koenig.

An Act to repeal sections 99.805, 99.810, 99.843, 99.847, and 99.848, RSMo, and to enact in lieu thereof five new sections relating to tax increment financing.

SB 23—By Koenig.

An Act to amend chapters 135 and 166, RSMo, by adding thereto eleven new sections relating to educational scholarship accounts, with penalty provisions.

SB 24—By Eigel.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to the assessment of personal property.

SB 25—By Eigel.

An Act to repeal sections 160.400 and 160.425, RSMo, and to enact in lieu thereof fourteen new sections relating to alternative educational options for elementary and secondary students, with penalty provisions.

SB 26—By Eigel.

An Act to amend chapters 574 and 590, RSMo, by adding thereto two new sections relating to public safety, with penalty provisions.

SB 27—By Crawford.

An Act to repeal section 50.166, RSMo, and to enact in lieu thereof one new section relating to county

officials.

SB 28—By Crawford.

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, and 209.610, RSMo, and to enact in lieu thereof ten new sections relating to savings accounts for education expenses.

SB 29—By Crawford.

An Act to repeal section 303.220, RSMo, and to enact in lieu thereof one new section relating to certificates of self-insurance, with an emergency clause.

SB 30—By Cierpiot.

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, and 166.456, RSMo, and to enact in lieu thereof thirteen new sections relating to educational savings programs.

SB 31—By Cierpiot.

An Act to repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to political subdivisions, with existing penalty provisions.

SB 32—By Cierpiot.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to the operation of commercial motor vehicles, with penalty provisions.

SB 33—By Arthur.

An Act to amend chapters 161 and 162, RSMo, by adding thereto three new sections relating to competency-based education in elementary and secondary schools.

SB 34—By Arthur.

An Act to amend chapters 160 and 161, RSMo, by adding thereto two new sections relating to alternative pathways to graduation for high school students.

SB 35—By Arthur.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to competency-based education in elementary and secondary schools.

SB 36—By Bernskoetter.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to historic buildings.

SB 37—By Bernskoetter.

An Act to repeal sections 266.355, 643.050, 643.079, and 643.245, RSMo, and to enact in lieu thereof three new sections relating to anhydrous ammonia.

SB 38—By Bernskoetter.

An Act to repeal sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof fifteen new

sections relating to electric bicycles, with penalty provisions.

SB 39—By Burlison.

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms.

SB 40—By Burlison.

An Act to repeal sections 260.380, 260.475, 643.079, 644.057, and 644.079, RSMo, and to enact in lieu thereof six new sections relating to the department of natural resources.

SB 41—By Burlison.

An Act to repeal sections 335.016, 335.046, 335.051, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nurses.

SB 42—By White.

An Act to repeal sections 44.045 and 537.065, RSMo, and to enact in lieu thereof four new sections relating to civil actions based on acts occurring during emergencies, with an emergency clause.

SB 43—By White.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to services covered by health benefit plans.

SB 44—By White.

An Act to repeal section 393.358, RSMo, and to enact in lieu thereof five new sections relating to water and sewer infrastructure.

SB 45—By Hough.

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to benefits for certain firefighters who contract certain types of cancer as a result of employment as a firefighter.

SB 46—By Hough.

An Act to repeal section 307.380, RSMo, and to enact in lieu thereof one new section relating to motor vehicles.

SB 47—By Hough.

An Act to amend chapters 67 and 94, RSMo, by adding thereto two new sections relating to local sales taxes.

SB 48—By Brown.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for remote learning expenses.

SB 49—By Brown.

An Act to repeal section 306.221, RSMo, and to enact in lieu thereof one new section relating to watercraft.

SB 50—By Brown.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to immunity from liability for inherent risks of camping.

SB 51—By Luetkemeyer.

An Act to amend chapter 537, RSMo, by adding thereto nine new sections relating to civil actions, with an emergency clause.

SB 52—By Luetkemeyer.

An Act to amend supreme court rule 56.01, relating to discovery.

SB 53—By Luetkemeyer.

An Act to amend chapter 84, RSMo, by adding thereto one new section relating to law enforcement officer residency requirements.

SB 54—By O’Laughlin.

An Act to repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof three new sections relating to reading success in schools.

SB 55—By O’Laughlin.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the participation of home school students in public school activities.

SB 56—By O’Laughlin.

An Act to repeal section 192.300, RSMo, and to enact in lieu thereof one new section relating to public health, with existing penalty provisions.

SB 57—By May.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to funding to certain organizations to deter criminal behavior.

SB 58—By May.

An Act to repeal sections 115.277, 115.279, 115.283, and 115.291, RSMo, and to enact in lieu thereof five new sections relating to voting in elections.

SB 59—By May.

An Act to repeal sections 290.400, 290.410, 290.420, 290.430, 290.440, and 290.450, RSMo, and to enact in lieu thereof five new sections relating to employment practices relating to gender.

SB 60—By Williams.

An Act to repeal sections 105.240, 542.271, 542.276, 542.291, 542.296, 544.190, 544.200, 563.031, 563.041, 563.046, 563.051, 563.074, 566.145, 575.180, 590.010, 590.030, 590.040, 590.080, 590.180, and 590.195, RSMo, and to enact in lieu thereof twenty-eight new sections relating to law enforcement agency accountability, with penalty provisions.

SB 61—By Williams.

An Act to repeal sections 43.504, 43.507, 488.650, and 610.140, RSMo, and to enact in lieu thereof four new sections relating to expungement of records.

SB 62—By Williams.

An Act to repeal section 59.100, RSMo, and to enact in lieu thereof one new section relating to bonds for county recorders of deeds.

SB 63—By Rehder.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to the monitoring of certain prescribed controlled substances, with penalty provisions.

SB 64—By Rehder.

An Act to repeal sections 579.040 and 579.076, RSMo, and to enact in lieu thereof two new sections relating to distributors of hypodermic needles, with penalty provisions.

SB 65—By Rehder.

An Act to repeal sections 191.677, 575.155, and 575.157, RSMo, and to enact in lieu thereof three new sections relating to actions by persons knowingly infected with communicable diseases, with penalty provisions.

SB 66—By Brattin.

An Act to repeal sections 67.030, 537.600, 544.671, 563.031, 565.050, 565.052, 565.054, 565.091, 574.050, and 574.085, RSMo, and to enact in lieu thereof fourteen new sections relating to public safety, with penalty provisions.

SB 67—By Brattin.

An Act to repeal sections 44.100, 77.530, 79.380, and 192.300, RSMo, and to enact in lieu thereof five new sections relating to public health, with an existing penalty provision.

SB 68—By Brattin.

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to the exercise of religion during an emergency.

SB 69—By Gannon.

An Act to repeal sections 115.277, 115.279, 115.283, and 115.291, RSMo, and to enact in lieu thereof four new sections relating to absentee voting, with existing penalty provisions.

SB 70—By Gannon.

An Act to repeal section 204.602, RSMo, and to enact in lieu thereof one new section relating to utility districts.

SB 71—By Gannon.

An Act to repeal sections 455.010, 455.032, 455.035, 455.045, 455.050, 455.513, 455.520, and 455.523,

RSMo, and to enact in lieu thereof eight new sections relating to pet protective orders.

SB 72—By Eslinger.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to fox trotter week.

SB 73—By Bean.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 74—By Bean.

An Act to repeal section 557.035, RSMo, and to enact in lieu thereof one new section relating to crimes committed against law enforcement officers and first responders, with penalty provisions.

SB 75—By Bean.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to criminal sentencing.

SB 76—By Beck.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to accommodations for breast-feeding mothers in school buildings.

SB 77—By Beck.

An Act to amend chapter 431, RSMo, by adding thereto one new section relating to covenants not to compete.

SB 78—By Beck.

An Act to amend chapters 36 and 105, RSMo, by adding thereto two new sections relating to state employees.

SB 79—By Razer.

An Act to repeal section 338.010, RSMo, and to enact in lieu thereof three new sections relating to HIV treatment.

SB 80—By Razer.

An Act to repeal section 376.1550, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mental health conditions.

SB 81—By Razer.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to discrimination based on sexual orientation or gender identity.

SB 82—By Washington.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for urban farms.

SB 83—By Washington.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to historically black college and university week.

SB 84—By Washington.

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to a tax credit for the purchase of blighted property.

SB 85—By Hegeman.

An Act to repeal sections 135.350 and 135.352, RSMo, and to enact in lieu thereof two new sections relating to low-income housing tax credits.

SB 86—By Hegeman.

An Act to repeal section 115.646, RSMo, and to enact in lieu thereof one new section relating to the use of public funds in elections, with penalty provisions.

SB 87—By Hegeman.

An Act to repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof nine new sections relating to illegal gambling, with existing penalty provisions and an emergency clause.

SB 88—By Wieland.

An Act to amend supreme court rules 25.02, 25.03, 25.04, 25.05, 25.08, 25.10, 25.12, 25.14, 25.18, and 25.19, and to annul rule 25.15, relating to discovery in criminal cases.

SB 89—By Wieland.

An Act to repeal section 304.153, RSMo, and to enact in lieu thereof two new sections relating to motor clubs, with existing penalty provisions.

SB 90—By Wieland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to funding agreements in the business of insurance.

SB 91—By Riddle.

An Act to repeal section 566.150, RSMo, and to enact in lieu thereof one new section relating to certain offenders of sex crimes, with existing penalty provisions.

SB 92—By Riddle.

An Act to repeal section 153.030, RSMo, and to enact in lieu thereof one new section relating to the assessment of certain public utility property.

SB 93—By Onder.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to health care.

SB 94—By Onder.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the employer-employee relationship.

SB 95—By Onder.

An Act to repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual school program.

SB 96—By Hoskins.

An Act to repeal section 414.152, RSMo, and to enact in lieu thereof two new sections relating to biodiesel fuel, with penalty provisions.

SB 97—By Hoskins.

An Act to repeal sections 32.087, 32.310, 144.020, 144.605, and 144.757, RSMo, and to enact in lieu thereof seven new sections relating to sales taxes.

SB 98—By Hoskins.

An Act to repeal sections 313.230 and 313.800, RSMo, and to enact in lieu thereof twenty-six new sections relating to gaming, with penalty provisions.

SB 99—By Koenig.

An Act to repeal sections 67.1401, 67.1545, 238.202, 238.207, 238.235, and 238.237, RSMo, and to enact in lieu thereof six new sections relating to certain special taxing districts.

SB 100—By Koenig.

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to certain property tax liabilities, with an emergency clause.

SB 101—By Koenig.

An Act to repeal sections 188.027, 188.036, and 188.047, RSMo, and to enact in lieu thereof five new sections relating to abortion, with penalty provisions.

SB 102—By Eigel.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof two new sections relating to occupational diseases diagnosed in first responders.

SB 103—By Eigel.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet reimbursement for outpatient services.

SB 104—By Eigel.

An Act to repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to valuation of bids for state contracts.

SB 105—By Crawford.

An Act to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof eight new sections relating to property assessment contracts for energy efficiency, with a penalty provision.

SB 106—By Crawford.

An Act to repeal sections 361.097, 362.044, 362.247, 362.250, and 369.049, RSMo, and to enact in lieu thereof seven new sections relating to financial institutions.

SB 107—By Crawford.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to dogs.

SB 108—By Cierpiot.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to broadband infrastructure improvement districts.

SB 109—By Cierpiot.

An Act to repeal sections 137.115 and 137.180, RSMo, and to enact in lieu thereof two new sections relating to property tax assessments.

SB 110—By Cierpiot.

An Act to repeal section 135.481, RSMo, and to enact in lieu thereof one new section relating to a tax credit for rehabilitation or construction of certain residences.

SB 111—By Arthur.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employer hiring practices.

SB 112—By Arthur.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription drug costs.

SB 113—By Arthur.

An Act to repeal sections 115.277, 115.279, 115.283, and 115.291, RSMo, and to enact in lieu thereof four new sections relating to absentee voting, with existing penalty provisions.

SB 114—By Bernskoetter.

An Act to repeal sections 8.800, 8.805, 8.830, 8.843, 23.295, 30.750, 67.2835, 135.311, 135.710, 135.950, 178.585, 186.019, 290.257, 374.007, 386.040, 386.071, 386.700, 386.710, 386.890, 393.1025, 414.400, 414.406, 414.417, 414.510, 620.010, 620.035, 620.484, 620.490, 620.511, 620.512, 620.513, 640.153, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof forty new sections relating to the reorganization and renaming of certain state agencies.

SB 115—By Bernskoetter.

An Act to repeal section 288.132, RSMo, and to enact in lieu thereof two new sections relating to automation adjustments paid by employers subject to unemployment compensation laws, with a delayed effective date.

SB 116—By Bernskoetter.

An Act to repeal section 163.016, RSMo, and to enact in lieu thereof one new section relating to the dollar value modifier used in certain school districts.

SB 117—By Burlison.

An Act to repeal sections 571.030, 571.107, 571.215, 577.703, and 577.712, RSMo, and to enact in lieu thereof seven new sections relating to firearms, with existing penalty provisions.

SB 118—By Burlison.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 119—By Burlison.

An Act to repeal sections 407.1095, 407.1098, and 407.1104, RSMo, and to enact in lieu thereof three new sections relating to call spoofing.

SB 120—By White.

An Act to repeal sections 36.020 and 379.122, RSMo, and to enact in lieu thereof five new sections relating to military affairs.

SB 121—By White.

An Act to repeal section 354.400, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet managed care.

SB 122—By White.

An Act to repeal section 552.020, RSMo, and to enact in lieu thereof one new section relating to the discharge of certain committed persons.

SB 123—By Hough.

An Act to repeal section 32.087, RSMo, and to enact in lieu thereof one new section relating to local sales taxes.

SB 124—By Hough.

An Act to repeal sections 191.765, 191.769, 191.776, 407.924, 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, RSMo, and to enact in lieu thereof twelve new sections relating to tobacco products, with penalty provisions and a delayed effective date.

SB 125—By Hough.

An Act to repeal section 173.2553, RSMo, and to enact in lieu thereof one new section relating to

workforce development.

SB 126—By Brown.

An Act to repeal sections 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof eleven new sections relating to extended hours for the sale of intoxicating liquor, with existing penalty provisions.

SB 127—By Brown.

An Act to repeal section 135.305, RSMo, and to enact in lieu thereof one new section relating to a tax credit for the production of wood energy products.

SB 128—By Brown.

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to the inmate canteen fund.

SB 129—By Luetkemeyer.

An Act to repeal section 565.240, RSMo, and to enact in lieu thereof one new section relating to the unlawful posting of certain information over the internet, with penalty provisions.

SB 130—By Luetkemeyer.

An Act to repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to detention on arrest without a warrant, with an existing penalty provision.

SB 131—By Luetkemeyer.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to property tax assessments.

SB 132—By O’Laughlin.

An Act to repeal section 210.211, RSMo, and to enact in lieu thereof one new section relating to in-home child care facilities, with an emergency clause.

SB 133—By O’Laughlin.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to accountability requirements for low-performing schools.

SB 134—By O’Laughlin.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to recordings of certain school district meetings.

SB 135—By May.

An Act to repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to prohibitions against discriminatory policing.

SB 136—By Rehder.

An Act to repeal section 168.133, RSMo, and to enact in lieu thereof one new section relating to

criminal background checks for persons having contact with students.

SB 137—By Brattin.

An Act to repeal sections 115.013, 115.163, 115.179, 115.181, 115.193, and 115.221, RSMo, and to enact in lieu thereof six new sections relating to the maintenance of voter registration records.

SB 138—By Brattin.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the supplemental nutrition assistance program.

SB 139—By Bean.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the workforce diploma program.

SB 140—By Bean.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the sale of ethanol fuel.

SB 141—By Bean.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to renewable natural gas.

SB 142—By Beck.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to compensation owed to employees.

SB 143—By Beck.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employer hiring practices.

SB 144—By Beck.

An Act to repeal sections 455.050, 455.523, 565.076, 565.227, and 571.070, RSMo, and to enact in lieu thereof five new sections relating to unlawful possession of firearms, with penalty provisions and an emergency clause.

SB 145—By Washington.

An Act to amend chapters 160 and 213, RSMo, by adding thereto two new sections relating to discriminatory practices.

SB 146—By Washington.

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof six new sections relating to landlord-tenant actions.

SB 147—By Washington.

An Act to repeal sections 99.805, 99.810, and 99.845, RSMo, and to enact in lieu thereof seven new

sections relating to tax increment financing.

SB 148—By Onder.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the classification of workers.

SB 149—By Onder.

An Act to repeal sections 116.030, 116.040, 116.050, 116.090, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof eleven new sections relating to the petition process for amending the law, with penalty provisions and a delayed effective date.

SB 150—By Onder.

An Act to repeal sections 77.450, 115.121, 162.1060, 184.352, 233.040, 247.060, 247.180, 249.150, 321.210, and 321.610, RSMo, and to enact in lieu thereof ten new sections relating to the general municipal election day.

SB 151—By Hoskins.

An Act to repeal section 162.720, RSMo, and to enact in lieu thereof one new section relating to gifted children.

SB 152—By Hoskins.

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, and 166.456, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri Education Program.

SB 153—By Koenig.

An Act to repeal sections 32.087, 32.310, 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof twenty-one new sections relating to taxation, with penalty provisions, an emergency clause for a certain section, and an effective date for certain sections.

SB 154—By Koenig.

An Act to repeal sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770, RSMo, and to enact in lieu thereof nineteen new sections relating to elections, with penalty provisions and a delayed effective date for certain sections.

SB 155—By Koenig.

An Act to repeal sections 135.550 and 135.600, RSMo, and to enact in lieu thereof two new sections relating to tax credits for contributions to certain benevolent organizations.

SB 156—By Eigel.

An Act to repeal section 643.310, RSMo, and to enact in lieu thereof one new section relating to motor vehicle emissions inspections.

SB 157—By Eigel.

An Act to repeal sections 143.124 and 143.125, RSMo, and to enact in lieu thereof two new sections relating to income tax.

SB 158—By Eigel.

An Act to repeal section 115.127, RSMo, and to enact in lieu thereof one new section relating to the period for filing a declaration of candidacy for certain offices.

SB 159—By Crawford.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

SB 160—By Crawford.

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a public safety sales tax.

SB 161—By Crawford.

An Act to repeal section 144.757, RSMo, and to enact in lieu thereof one new section relating to local use taxes.

SB 162—By Cierpiot.

An Act to repeal section 115.123, RSMo, and to enact in lieu thereof one new section relating to the day on which elections may take place.

SB 163—By Cierpiot.

An Act to repeal sections 67.2677 and 67.2689, RSMo, and to enact in lieu thereof three new sections relating to communications services offered in political subdivisions.

SB 164—By Cierpiot.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to traffic violations.

SB 165—By Arthur.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to passengers on motorcycles or motortricycles.

SB 166—By Arthur.

An Act to repeal section 167.227, RSMo, and to enact in lieu thereof one new section relating to attendance in public school district summer school programs.

SB 167—By Arthur.

An Act to repeal section 163.018, RSMo, and to enact in lieu thereof one new section relating to calculation of average daily attendance for early childhood education programs.

SB 168—By Burlison.

An Act to repeal section 188.035, RSMo, and to enact in lieu thereof one new section relating to abortion, with penalty provisions.

SB 169—By Burlison.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to food and merchandise containers.

SB 170—By Burlison.

An Act to repeal section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof one new section relating to county regulations, with an existing penalty provision.

SB 171—By White.

An Act to repeal section 537.067, RSMo, and to enact in lieu thereof one new section relating to fault of nonparties.

SB 172—By White.

An Act to repeal section 386.572, RSMo, and to enact in lieu thereof one new section relating to civil penalties for violating federally mandated natural gas safety standards.

SB 173—By White.

An Act to repeal section 208.227, RSMo, and to enact in lieu thereof two new sections relating to antipsychotic drugs.

SB 174—By Hough.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to workforce development.

SB 175—By Hough.

An Act to repeal section 321.552, RSMo, and to enact in lieu thereof one new section relating to a sales tax for emergency services.

SB 176—By Hough.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to personal delivery devices.

SB 177—By Brown.

An Act to repeal sections 197.400 and 197.445, RSMo, and to enact in lieu thereof two new sections

relating to home health.

SB 178—By Brown.

An Act to repeal section 386.890, RSMo, and to enact in lieu thereof one new section relating to net metering.

SB 179—By Luetkemeyer.

An Act to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to civil actions.

SB 180—By Luetkemeyer.

An Act to repeal sections 536.021 and 536.175, RSMo, and to enact in lieu thereof two new sections relating to administrative rules.

SB 181—By Luetkemeyer.

An Act to repeal section 431.202, RSMo, and to enact in lieu thereof two new sections relating to business covenants.

SB 182—By O’Laughlin.

An Act to repeal sections 441.233 and 535.010, RSMo, and to enact in lieu thereof three new sections relating to the removal of a tenant from a commercial property.

SB 183—By O’Laughlin.

An Act to repeal section 288.036 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, section 288.036 as enacted by house bill no. 1456, ninety-third general assembly, second regular session, section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof two new sections relating to employment security.

SB 184—By Bean.

An Act to repeal sections 386.020 and 523.010, RSMo, and to enact in lieu thereof three new sections relating to broadband operations and services using electrical corporation broadband infrastructure.

SB 185—By Bean.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to certain trespass and inverse condemnation actions against public utilities.

SB 186—By Beck.

An Act to repeal sections 571.060 and 571.070, RSMo, and to enact in lieu thereof two new sections relating to firearms, with penalty provisions.

SB 187—By Beck.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the care of students with epilepsy or seizure disorders, with an emergency clause.

SB 188—By Beck.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for grocery stores.

SB 189—By Washington.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a Negro Leagues Baseball Museum special license plate.

SB 190—By Washington.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to expungement of certain marijuana offenses.

SB 191—By Washington.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to the counting of inmates for the purpose of redistricting.

SB 192—By Onder.

An Act to repeal sections 197.305, 197.315, 197.320, 197.366, and 354.095, RSMo, and to enact in lieu thereof four new sections relating to certificates of need.

SB 193—By Onder.

An Act to repeal sections 334.104 and 335.175, RSMo, and to enact in lieu thereof two new sections relating to geographic proximity requirements in collaborative practice arrangements between physicians and advanced practice registered nurses.

SB 194—By Onder.

An Act to repeal section 334.285, RSMo, and to enact in lieu thereof one new section relating to physician maintenance of certification or licensure.

SB 195—By Koenig.

An Act to repeal section 301.558, RSMo, and to enact in lieu thereof one new section relating to administrative fees imposed by dealers licensed by the department of revenue, with an existing penalty provision.

SB 196—By Koenig.

An Act to repeal sections 137.010 and 137.122, RSMo, and to enact in lieu thereof two new sections relating to the assessment of certain properties.

SB 197—By Koenig.

An Act to amend chapter 556, RSMo, by adding thereto one new section relating to the jurisdiction of the attorney general for violations of certain offenses.

SB 198—By Eigel.

An Act to repeal section 650.005, RSMo, and to enact in lieu thereof two new sections relating to

military forces, with a contingent effective date.

SB 199—By Eigel.

An Act to repeal sections 452.335, 452.370, and 452.375, RSMo, and to enact in lieu thereof three new sections relating to domestic relations.

SB 200—By Eigel.

An Act to amend chapters 292 and 537, RSMo, by adding thereto seven new sections relating to asbestos.

SB 201—By Crawford.

An Act to repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to the confiscation of animals, with penalty provisions.

SB 202—By Cierpiot.

An Act to amend chapter 386, RSMo, by adding thereto seventeen new sections relating to financing for electrical corporations.

SB 203—By Cierpiot.

An Act to repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to the operation of motor vehicles.

SB 204—By Cierpiot.

An Act to repeal section 170.018, RSMo, and to enact in lieu thereof one new section relating to computer science courses.

SB 205—By Arthur.

An Act to repeal section 306.220, RSMo, and to enact in lieu thereof one new section relating to personal flotation devices, with penalty provisions.

SB 206—By Arthur.

An Act to repeal section 208.053, RSMo, and to enact in lieu thereof one new section relating to child care benefits.

SB 207—By Arthur.

An Act to repeal sections 337.035, 337.330, 337.525, 337.630, and 337.730, RSMo, and to enact in lieu thereof five new sections relating to conversion therapy for minors, with penalty provisions.

SB 208—By Burlison.

An Act to repeal sections 260.373, 260.437, and 260.520, RSMo, and to enact in lieu thereof three new sections relating to the management of hazardous waste.

SB 209—By Burlison.

An Act to amend chapter 379, RSMo, by adding thereto nine new sections relating to group personal lines property and casualty insurance.

SB 210—By Burlison.

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to the offense of mail theft, with penalty provisions.

SB 211—By White.

An Act to repeal sections 182.817, 191.656, 213.111, 260.210, 302.170, 417.457, 448.4-117, 510.265, 537.090, 538.210, 542.418, and 544.195, RSMo, and to enact in lieu thereof twelve new sections relating to punitive damages, with existing penalty provisions.

SB 212—By White.

An Act to repeal sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 650.055, and 650.058, RSMo, and to enact in lieu thereof forty-three new sections relating to the department of corrections, with existing penalty provisions.

SB 213—By White.

An Act to repeal sections 577.010 and 577.012, RSMo, and to enact in lieu thereof two new sections relating to community service requirements for certain offenders, with penalty provisions.

SB 214—By Hough.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to records of municipally owned utilities.

SB 215—By Hough.

An Act to repeal sections 251.600, 251.603, 251.605, 251.610, 251.615, 251.618, 251.621, 251.624, 251.627, and 251.630, RSMo, relating to economic development districts.

SRB 216—By Hough.

An Act to repeal sections 32.088, 67.5125, 99.1205, 103.175, 103.178, 104.403, 104.404, 105.721, 130.034, 135.313, 135.710, 135.750, 135.980, 136.450, 143.173, 143.1008, 143.1009, 143.1013, 143.1014, 143.1017, 160.405, 160.500, 161.825, 161.1055, 163.024, 171.034, 172.287, 173.236, 173.680, 173.2510, 178.697, 184.384, 190.450, 191.425, 191.743, 191.950, 192.926, 199.020, 208.053, 208.169, 208.244, 208.627, 210.154, 210.1030, 215.263, 217.147, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955, 260.960, 260.965, 288.501, 319.140, 320.093, 332.304, 334.153, 338.320, 338.700, 338.710, 393.1073, 414.407, 454.433, 454.470, 454.490, 454.849, 476.1000, 488.426, 559.117, 620.570, 620.1910, 620.2100, 630.717, 633.420, 640.030, and 660.512, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof fifteen new sections for the sole purpose of repealing expired, terminated, sunset, and obsolete statutes.

SB 217—By Luetkemeyer.

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof twelve new sections relating to sports wagering.

SB 218—By Luetkemeyer.

An Act to repeal section 160.415, RSMo, and to enact in lieu thereof one new section relating to charter schools, with an emergency clause.

SB 219—By Luetkemeyer.

An Act to repeal section 174.453, RSMo, and to enact in lieu thereof one new section relating to the board of governors of Missouri Western State University.

SB 220—By Beck.

An Act to repeal sections 137.180 and 138.434, RSMo, and to enact in lieu thereof three new sections relating to property taxes.

SB 221—By Beck.

An Act to repeal sections 99.805, 99.820, and 99.845, RSMo, and to enact in lieu thereof four new sections relating to tax increment financing projects.

SB 222—By Beck.

An Act to repeal section 407.1500, RSMo, and to enact in lieu thereof one new section relating to the safekeeping of personal information, with an existing penalty provision.

SB 223—By Onder.

An Act to amend chapter 431, RSMo, by adding thereto one new section relating to restrictive employment covenants for physicians and advanced practice registered nurses.

SB 224—By Onder.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to work and community engagement requirements for certain MO HealthNet participants.

SB 225—By Onder.

An Act to repeal sections 70.441, 571.107, 577.703, and 577.712, RSMo, and to enact in lieu thereof four new sections relating to the carrying of firearms on public transportation systems, with existing penalty provisions.

SB 226—By Koenig.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to sales tax filing periods, with existing penalty provisions.

SB 227—By Arthur.

An Act to repeal section 620.2020, RSMo, and to enact in lieu thereof one new section relating to tax credits for job creation, with an emergency clause.

SB 228—By Arthur.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for educator expenses.

SB 229—By Arthur.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit to offset sales tax liabilities.

SB 230—By Burlison.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to utility services.

SB 231—By Burlison.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the appointment and duties of commissioners to attend an Article V Convention.

SB 232—By Burlison.

An Act to repeal section 324.206, RSMo, and to enact in lieu thereof one new section relating to professional registration.

SB 233—By White.

An Act to repeal section 50.327, RSMo, and to enact in lieu thereof one new section relating to salaries of county coroners.

SB 234—By White.

An Act to repeal section 473.117, RSMo, and to enact in lieu thereof one new section relating to appointment of personal representatives.

SB 235—By White.

An Act to repeal sections 196.931 and 196.935, RSMo, and to enact in lieu thereof two new sections relating to the selling of raw milk or cream.

SB 236—By Hough.

An Act to repeal sections 270.170, 270.260, 270.270, and 270.400, RSMo, and to enact in lieu thereof four new sections relating to feral swine, with penalty provisions.

SB 237—By Hough.

An Act to repeal section 485.060, RSMo, and to enact in lieu thereof one new section relating to compensation of court reporters.

SB 238—By Luetkemeyer.

An Act to repeal section 104.160, RSMo, and to enact in lieu thereof one new section relating to the board of trustees of the Missouri department of transportation and highway patrol employees' retirement system.

SB 239—By Luetkemeyer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to contracts for work on the state highway system.

SB 240—By Luetkemeyer.

An Act to repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

SB 241—By Beck.

An Act to repeal sections 34.209, 34.212, and 34.218, RSMo, and to enact in lieu thereof three new sections relating to public contracts.

SB 242—By Beck.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to reciprocal resident bidding.

SB 243—By Beck.

An Act to repeal section 442.571, RSMo, and to enact in lieu thereof one new section relating to foreign ownership of agricultural land.

SB 244—By Onder.

An Act to repeal section 105.505, RSMo, and to enact in lieu thereof one new section relating to the authorization of the deduction of moneys from the paychecks of public employees for the benefit of public labor organizations, with penalty provisions.

SB 245—By Onder.

An Act to repeal sections 143.011 and 143.022, RSMo, and to enact in lieu thereof two new sections relating to income taxes.

SB 246—By Onder.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax exemption for electricity.

SB 247—By Arthur.

An Act to repeal section 99.805, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

SB 248—By Arthur.

An Act to repeal sections 32.087, 32.310, 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof twenty new sections relating to taxation, with penalty provisions and an effective date for certain sections.

SB 249—By Burlison.

An Act to repeal section 442.404, RSMo, and to enact in lieu thereof one new section relating to restrictive covenants.

SB 250—By Burlison.

An Act to repeal section 566.150, RSMo, and to enact in lieu thereof one new section relating to the proximity of registered sex offenders to certain properties, with existing penalty provisions.

SB 251—By Onder.

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

SB 252—By Onder.

An Act to repeal section 144.700, RSMo, and to enact in lieu thereof one new section relating to the use of sales and use tax revenues for transportation.

SB 253—By Hegeman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for certain alternative fuel refueling properties.

SB 254—By Riddle.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

SB 255—By Riddle.

An Act to repeal section 70.631, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

SB 256—By Rowden.

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof fourteen new sections relating to sports wagering, with penalty provisions.

SB 257—By Burlison.

An Act to repeal sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, RSMo, and to enact in lieu thereof seven new sections relating to licensing of architects, engineers, and landscape architects.

SB 258—By White.

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to classification of Missouri National Guard members.

SB 259—By O’Laughlin.

An Act to repeal sections 160.400, 160.410, and 160.415, RSMo, and to enact in lieu thereof three new sections relating to recovery programs for high school students.

SB 260—By O’Laughlin.

An Act to repeal sections 168.191, 168.201, 168.205, and 168.211, RSMo, and to enact in lieu thereof four new sections relating to school superintendents.

SB 261—By Williams.

An Act to repeal section 376.690, RSMo, and to enact in lieu thereof one new section relating to unanticipated out-of-network medical care.

SB 262—By Schatz.

An Act to repeal section 142.803, RSMo, and to enact in lieu thereof one new section relating to the taxation of motor fuel, with a referendum clause.

SB 263—By Crawford.

An Act to repeal sections 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof twelve new sections relating to athlete agents, with penalty provisions.

SB 264—By Arthur.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription insulin drugs.

SB 265—By Eslinger.

An Act to repeal sections 167.903, 168.021, and 169.596, RSMo, and to enact in lieu thereof six new sections relating to workforce development in elementary and secondary education, with an effective date for certain sections.

SB 266—By Mosley.

An Act to repeal section 115.295, RSMo, and to enact in lieu thereof one new section relating to rejected absentee ballots.

SB 267—By Mosley.

An Act to repeal sections 115.365, 115.603, 115.619, and 115.621, RSMo, and to enact in lieu thereof four new sections relating to county commission district political party committees.

SB 268—By Mosley.

An Act to repeal section 512.180, RSMo, and to enact in lieu thereof one new section relating to transfer of appeals.

SB 269—By Mosley.

An Act to repeal section 510.120, RSMo, and to enact in lieu thereof one new section relating to automatic stays of proceedings for members of the general assembly.

SB 270—By Mosley.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to the timing of

proceedings in courts, with penalty provisions.

SB 271—By Mosley.

An Act to repeal sections 9.010, 9.020, and 9.030, RSMo, and to enact in lieu thereof three new sections relating to the designation of certain holidays.

SB 272—By Mosley.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to prohibiting publishing of the names of lottery winners, with a penalty provision.

SB 273—By Mosley.

An Act to repeal sections 144.020 and 144.070, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle sales tax.

SB 274—By Mosley.

An Act to repeal sections 452.340, 452.375, 452.377, 452.780, 453.110, and 475.060, RSMo, and to enact in lieu thereof six new sections relating to child custody, with penalty provisions.

SB 275—By Mosley.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to transition funds for members of the general assembly.

SB 276—By Mosley.

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to fire protection districts.

SB 277—By Mosley.

An Act to amend chapter 85, RSMo, by adding thereto seventy-four new sections relating to police protection districts, with penalty provisions.

SB 278—By Mosley.

An Act to repeal section 301.131, RSMo, and to enact in lieu thereof one new section relating to historic motor vehicles.

SB 279—By Mosley.

An Act to repeal section 235.140, RSMo, and to enact in lieu thereof one new section relating to the election of board members for street light maintenance districts.

SB 280—By Cierpiot.

An Act to repeal sections 386.370 and 620.010, RSMo, and to enact in lieu thereof two new sections relating to assessments against public utilities.

SB 281—By Brown.

An Act to repeal sections 517.051, 517.061, 517.071, and 517.091, RSMo, and to enact in lieu thereof five new sections relating to civil procedure.

SB 282—By Hegeman.

An Act to repeal sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.302, 115.427, and 115.652, RSMo, and to enact in lieu thereof seven new sections relating to elections.

SB 283—By Hoskins.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor sales.

SB 284—By Crawford.

An Act to repeal sections 191.1145, 191.1146, and 334.108, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

SB 285—By Arthur.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to school innovation waivers.

SB 286—By Hough.

An Act to repeal sections 347.179, 347.183, 358.460, and 358.470, RSMo, and to enact in lieu thereof five new sections relating to regulation of certain business organizations, with existing penalty provisions.

SB 287—By Crawford.

An Act to repeal sections 32.310, 144.140, 144.605, 144.710, 144.757, and 144.759, RSMo, and to enact in lieu thereof eleven new sections relating to use taxes with an emergency clause for a certain section and an effective date for certain sections.

SB 288—By Eigel.

An Act to repeal section 376.1109, RSMo, and to enact in lieu thereof one new section relating to long-term care insurance.

SB 289—By Brown.

An Act to repeal sections 590.030 and 590.118, RSMo, and to enact in lieu thereof two new sections relating to peace officer license requirements.

SB 290—By Hegeman.

An Act to repeal section 115.642, RSMo, and to enact in lieu thereof two new sections relating to the prosecution of election offenses.

SB 291—By Brown.

An Act to repeal sections 193.065, 193.145, 193.265, and 194.119, RSMo, and to enact in lieu thereof four new sections relating to disposition of human remains.

SB 292—By Schupp.

An Act to amend chapter 128, RSMo, by adding thereto one new section relating to the adoption of the agreement among the states to elect the president by national popular vote.

SB 293—By Hoskins.

An Act to repeal sections 334.037, 334.104, and 334.735, RSMo, and to enact in lieu thereof three new sections relating to advanced practice registered nurses.

SB 294—By Hoskins.

An Act to repeal section 379.120, RSMo, and to enact in lieu thereof one new section relating to explanations of refusal to write automobile insurance.

SB 295—By Crawford.

An Act to amend chapter 436, RSMo, by adding thereto one new section relating to settlements involving minors.

SB 296—By Brattin.

An Act to amend chapter 166, RSMo, by adding thereto seven new sections relating to education savings accounts for elementary and secondary students, with a delayed effective date.

SB 297—By Roberts.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to the establishment of a use-of-force database.

SB 298—By Arthur.

An Act to amend chapter 285, RSMo, by adding thereto twelve new sections relating to workplace retirement savings plans.

SB 299—By Bernskoetter.

An Act to repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to alcohol trade practices, with existing penalty provisions.

SB 300—By Bernskoetter.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to the interstate medical licensure compact.

SB 301—By Bernskoetter.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the liability of prescribed burns.

SB 302—By Gannon.

An Act to amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

SB 303—By Gannon.

An Act to repeal sections 287.170 and 287.180, RSMo, and to enact in lieu thereof two new sections relating to electronic transfer of workers' compensation benefits.

SB 304—By Eslinger.

An Act to repeal sections 161.097, 167.268, and 167.645, RSMo, and to enact in lieu thereof four new sections relating to literacy instruction, with a delayed effective date for a certain section.

SB 305—By Roberts.

An Act to repeal section 211.211, RSMo, and to enact in lieu thereof one new section relating to a child's right to counsel.

SB 306—By Bernskoetter.

An Act to repeal sections 316.250 and 537.348, RSMo, and to enact in lieu thereof two new sections relating to landowner liability.

SB 307—By Brown.

An Act to repeal sections 301.010 and 301.227, RSMo, and to enact in lieu thereof two new sections relating to salvage vehicles.

SB 308—By Koenig.

An Act to repeal section 324.012, RSMo, and to enact in lieu thereof one new section relating to professional licensing determinations for individuals with criminal records.

SB 309—By Hegeman.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to the establishment of a fund for emergency expenditures.

SB 310—By Crawford.

An Act to repeal section 319.131, RSMo, and to enact in lieu thereof one new section relating to the petroleum storage tank insurance fund.

SB 311—By Roberts.

An Act to repeal sections 105.240, 542.271, 542.276, 542.291, 542.296, and 544.200, RSMo, and to enact in lieu thereof six new sections relating to searches and seizures, with penalty provisions.

SB 312—By Roberts.

An Act to amend chapter 546, RSMo, by adding thereto one new section relating to privileged communications.

SB 313—By Eigel.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to income taxes.

SB 314—By Hough.

An Act to repeal section 575.095, RSMo, and to enact in lieu thereof one new section relating to the office of attorney general, with an existing penalty provision.

SB 315—By Hough.

An Act to repeal sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.420, and 160.425, RSMo, and to enact in lieu thereof eight new sections relating to charter schools.

SB 316—By Hough.

An Act to repeal section 33.100, RSMo, and to enact in lieu thereof one new section relating to the payment of salaries out of the state treasury.

SB 317—By May.

An Act to repeal section 454.1005, RSMo, and to enact in lieu thereof one new section relating to child support enforcement.

SB 318—By May.

An Act to repeal sections 301.227, 407.300, and 407.302, RSMo, and to enact in lieu thereof seven new sections relating to scrap metals, with penalty provisions.

SB 319—By May.

An Act to amend chapter 313, RSMo, by adding thereto six new sections relating to video lottery, with penalty provisions.

SB 320—By Roberts.

An Act to repeal section 563.046, RSMo, and to enact in lieu thereof one new section relating to the use of a chokehold by a law enforcement officer, with a penalty provision and an emergency clause.

SB 321—By Roberts.

An Act to repeal section 579.015, RSMo, and to enact in lieu thereof one new section relating to controlled substances, with existing penalty provisions.

SB 322—By Roberts.

An Act to repeal section 332.071, RSMo, and to enact in lieu thereof two new sections relating to vaccine administration by dentists.

SB 323—By May.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to elective social studies courses on the Bible.

SB 324—By Hegeman.

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to the competitive bid process for counties.

SB 325—By Hegeman.

An Act to repeal sections 493.025, 493.027, 493.050, and 493.055, RSMo, and to enact in lieu thereof four new sections relating to publication of notice.

SB 326—By Beck.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof fourteen new sections relating to roofing contractors, with penalty provisions.

SB 327—By Koenig.

An Act to repeal sections 211.447, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof five new sections relating to the parent-child relationship.

SB 328—By Rowden.

An Act to repeal section 160.425, RSMo, and to enact in lieu thereof one new section relating to sponsorship funding due to the Missouri charter public school commission.

SB 329—By Rowden.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to federal regulation of private health insurance, with an emergency clause.

SB 330—By Burlison.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to the occupational therapy licensure compact.

SB 331—By Burlison.

An Act to amend chapter 537, RSMo, by adding thereto two new sections relating to actions for damages due to exposure to asbestos.

SB 332—By Burlison.

An Act to amend chapter 173, RSMo, by adding thereto two new sections relating to student associations at public institutions of higher learning.

SB 333—By Burlison.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to charitable organizations.

SB 334—By Bernskoetter.

An Act to repeal sections 386.800 and 394.020, RSMo, and to enact in lieu thereof two new sections relating to service territories of retail electric service providers.

SB 335—By Brattin.

An Act to repeal section 393.106, RSMo, and to enact in lieu thereof one new section relating to electric energy.

SB 336—By Brattin.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to obscene websites, with penalty provisions.

SB 337—By Riddle.

An Act to repeal section 334.010, RSMo, and to enact in lieu thereof one new section relating to the practice of surgery by registered physicians.

SB 338—By Luetkemeyer.

An Act to repeal section 456.4-419, RSMo, and to enact in lieu thereof two new sections relating to trusts.

SB 339—By Luetkemeyer.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof one new section relating to occupational diseases diagnosed in certain first responders.

SB 340—By White.

An Act to repeal section 139.100, RSMo, and to enact in lieu thereof one new section relating to property taxes, with an emergency clause.

SB 341—By White.

An Act to repeal section 565.030, RSMo, and to enact in lieu thereof one new section relating to jury instructions for the offense of murder in the first degree.

SB 342—By White.

An Act to repeal sections 197.256 and 197.258, RSMo, and to enact in lieu thereof two new sections relating to hospice inspections.

SB 343—By Brown.

An Act to repeal sections 558.011 and 558.031, RSMo, and to enact in lieu thereof two new sections relating to terms of imprisonment, with penalty provisions.

SB 344—By Brown.

An Act to repeal section 142.803, RSMo, and to enact in lieu thereof one new section relating to taxation of biodiesel motor fuel.

SB 345—By Brown.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to the offense of resisting or interfering with arrest, with existing penalty provisions.

SB 346—By O’Laughlin.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the distribution of certain federal moneys to elementary and secondary schools, with an emergency clause.

SB 347—By O’Laughlin.

An Act to repeal section 91.450, RSMo, and to enact in lieu thereof one new section relating to boards of public works in certain cities.

SB 348—By O’Laughlin.

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to proceedings of the judicial finance commission.

SB 349—By Roberts.

An Act to repeal sections 87.140, 87.145, 87.155, 87.260, and 87.350, RSMo, and to enact in lieu thereof five new sections relating to the firefighter’s retirement systems for certain cities.

SB 350—By White.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to products liability.

SJR 1—By Hegeman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 25(a) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the nonpartisan court plan.

SJR 2—By Onder.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the initiative petition process.

SJR 3—By Hoskins.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to the right to hunt and fish.

SJR 4—By Koenig.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 4(d) and 26 of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to taxation.

SJR 5—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 22 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to elections for tax increases.

SJR 6—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, by adding thereto one new section relating to the state budget.

SJR 7—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 12 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to military forces.

SJR 8—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, by adding thereto one new section relating to the day on which elections may take place.

SJR 9—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to voter turnout thresholds for tax increases.

SJR 10—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the office of assessor in charter counties.

SJR 11—By Burlison.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 50 and 51 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to initiative petitions.

SJR 12—By Luetkemeyer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(b) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to property tax assessments.

SJR 13—By Brattin.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 50 and 51 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the initiative petition process.

SJR 14—By Brattin.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(d) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the selection of judges.

SJR 15—By Eslinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to bear arms.

SJR 16—By Eslinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to the right to hunt and fish.

SJR 17—By Washington.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the assessment of certain real property values.

SJR 18—By Eigel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, by adding thereto one new section relating to abortion.

SJR 19—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to initiative petitions.

SJR 20—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to local taxation.

SJR 21—By Schatz.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the taxation of motor fuel.

SJR 22—By Mosley.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 22(a) of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to jury trial waivers.

SJR 23—By Roberts.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to property tax rates.

INTRODUCTION OF GUESTS

Senator Hoskins introduced to the Senate, his wife, Michelle Hoskins, Warrensburg.

Senator Eslinger introduced to the Senate, her husband, David Eslinger; her daughter and her husband, Chelsey and Justin Gilmore; her grandchildren, Parker and Ellie Gilmore; Tina Woosley, Mountain View; Jason Brown and his wife, Rochelle, and son, Thomas Brown, Ava.

Senator Washington introduced to the Senate, her family and friends; Grecian Williams, Riverside; Sandi Peterson Cooper, Atlanta; Edna and Antoinette Green, Creve Couer; Russel and Rose Banks, Kansas City; Maurice Monk, Kansas City; Carla Brooks, Kansas City; Knight Monk, Brooklyn, New York; and Tira Bolder-Goolsby, Midlothian, Texas.

Senator Gannon introduced to the Senate, her husband, Dennis Gannon; her sister, Glenda Johnson, Festus; her friends and family, Sara Edmundson; Mike Huskey; Becky and Larry Leonard, Hillsboro; and former Senator Gary Romine.

Senator Eigel introduced to the Senate, his wife, Amanda Eigel; his children, Kevin and Lisa Eigel, Weldon Springs; and his mother, Charlotte Eigel, Dayton, Ohio.

Senator Rowden introduced to the Senate, his wife, Aubrey Rowden, Columbia; his children, Willem and Adele Rowden; and his parents, Rick and Julie Rowden, Columbia.

Senator Rehder introduced to the Senate, her daughter and her husband, Raychel and Kyle Jarrett, Scott City; her grandchildren, Karlei and Kayden Jarrett, Scott City; and her close friends, Carl Rose, Sikeston; and Blake Hickman, Sikeston.

Senator Moon introduced to the Senate, his wife, Denise Moon; his son, Jason Moon; his daughter and her husband, Amanda and Ian Richards; and his grand daughters, Adalyn, Lilly, and Emmy Richards; his friends, Lynn and Dalton Roaseau; and Dick and Diane Kautzmann.

Senator Roberts introduced to the Senate, Devon Vincent, St. Louis.

Senator Mosley introduced to the Senate, her husband, State Representative Jay Mosley; her children, Janay and Channel Mosley; her father, former State Representative, Elbert Walton, Jr.; her brother, Elbert Watson, III; her sister, former State Representative, Rochelle Gray; her brother in-law, Alan Gray; her niece, Elaine Walton; her friends, Concere Shaw; Niako Stevenson; Paula Walker; Gail Sharpe; Verna and Roosevelt Edwards; Michael Collins; Nia Debarry; Iker Vasquez; Laura Ross; Simone Jordan; Tiffany Osby; Yolanda Henderson; Al Banks; Tony Weaver; Alexis Brice; Chris Petty; Carla James; and family.

Senator Razer introduced to the Senate, Darren Thomas, Kansas City.

Senator Brattin introduced to the Senate, his wife, Athena Brattin, Harrisonville.

Senator Bean introduced to the Senate, his wife, Desi Bean, Holcomb; his children, Claire and Otto Bean; his brother, Barry Bean, Gideon; his nephew, Blake Davis, Holcomb; his cousins, Joe Stillman, Kennett; and Thomas Stillman, New Madrid.

Senator Beck introduced to the Senate, his wife, Marilyn Beck; and his mother, Diane Beck.

Senator Onder introduced to the Senate, his wife, Allison Onder, Lake St. Louis.

Senator Williams introduced to the Senate, Yolanda Fountain-Henderson, Jennings.

Senator Luetkemeyer introduced to the Senate, his parents, Terry and Denise Luetkemeyer, Farmington.

Senator Schatz introduced to the Senate, his wife, Chara Schatz.

Senator White introduced to the Senate, his wife, Ellen Nichols; and his daughter, Jera White.

President Kehoe introduced to the Senate, his daughter, Carol Kehoe.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY—THURSDAY, JANUARY 7, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Hegeman	SB 32-Cierpiot
SB 2-Hegeman	SB 33-Arthur
SB 3-Hegeman	SB 34-Arthur
SB 4-Wieland	SB 35-Arthur
SB 5-Wieland	SB 36-Bernskoetter
SB 6-Wieland	SB 37-Bernskoetter
SB 7-Riddle	SB 38-Bernskoetter
SB 8-Riddle	SB 39-Burlison
SB 9-Riddle	SB 40-Burlison
SB 10-Schatz	SB 41-Burlison
SB 11-Schatz	SB 42-White
SB 12-Onder	SB 43-White
SB 13-Onder	SB 44-White
SB 14-Onder	SB 45-Hough
SB 15-Schupp	SB 46-Hough
SB 16-Schupp	SB 47-Hough
SB 17-Schupp	SB 48-Brown
SB 18-Hoskins	SB 49-Brown
SB 19-Hoskins	SB 50-Brown
SB 20-Hoskins	SB 51-Luetkemeyer
SB 21-Koenig	SB 52-Luetkemeyer
SB 22-Koenig	SB 53-Luetkemeyer
SB 23-Koenig	SB 54-O'Laughlin
SB 24-Eigel	SB 55-O'Laughlin
SB 25-Eigel	SB 56-O'Laughlin
SB 26-Eigel	SB 57-May
SB 27-Crawford	SB 58-May
SB 28-Crawford	SB 59-May
SB 29-Crawford	SB 60-Williams
SB 30-Cierpiot	SB 61-Williams
SB 31-Cierpiot	SB 62-Williams

SB 63-Rehder	SB 107-Crawford
SB 64-Rehder	SB 108-Cierpiot
SB 65-Rehder	SB 109-Cierpiot
SB 66-Brattin	SB 110-Cierpiot
SB 67-Brattin	SB 111-Arthur
SB 68-Brattin	SB 112-Arthur
SB 69-Gannon	SB 113-Arthur
SB 70-Gannon	SB 114-Bernskoetter
SB 71-Gannon	SB 115-Bernskoetter
SB 72-Eslinger	SB 116-Bernskoetter
SB 73-Bean	SB 117-Burlison
SB 74-Bean	SB 118-Burlison
SB 75-Bean	SB 119-Burlison
SB 76-Beck	SB 120-White
SB 77-Beck	SB 121-White
SB 78-Beck	SB 122-White
SB 79-Razer	SB 123-Hough
SB 80-Razer	SB 124-Hough
SB 81-Razer	SB 125-Hough
SB 82-Washington	SB 126-Brown
SB 83-Washington	SB 127-Brown
SB 84-Washington	SB 128-Brown
SB 85-Hegeman	SB 129-Luetkemeyer
SB 86-Hegeman	SB 130-Luetkemeyer
SB 87-Hegeman	SB 131-Luetkemeyer
SB 88-Wieland	SB 132-O'Laughlin
SB 89-Wieland	SB 133-O'Laughlin
SB 90-Wieland	SB 134-O'Laughlin
SB 91-Riddle	SB 135-May
SB 92-Riddle	SB 136-Rehder
SB 93-Onder	SB 137-Brattin
SB 94-Onder	SB 138-Brattin
SB 95-Onder	SB 139-Bean
SB 96-Hoskins	SB 140-Bean
SB 97-Hoskins	SB 141-Bean
SB 98-Hoskins	SB 142-Beck
SB 99-Koenig	SB 143-Beck
SB 100-Koenig	SB 144-Beck
SB 101-Koenig	SB 145-Washington
SB 102-Eigel	SB 146-Washington
SB 103-Eigel	SB 147-Washington
SB 104-Eigel	SB 148-Onder
SB 105-Crawford	SB 149-Onder
SB 106-Crawford	SB 150-Onder

SB 151-Hoskins	SB 195-Koenig
SB 152-Hoskins	SB 196-Koenig
SB 153-Koenig	SB 197-Koenig
SB 154-Koenig	SB 198-Eigel
SB 155-Koenig	SB 199-Eigel
SB 156-Eigel	SB 200-Eigel
SB 157-Eigel	SB 201-Crawford
SB 158-Eigel	SB 202-Cierpiot
SB 159-Crawford	SB 203-Cierpiot
SB 160-Crawford	SB 204-Cierpiot
SB 161-Crawford	SB 205-Arthur
SB 162-Cierpiot	SB 206-Arthur
SB 163-Cierpiot	SB 207-Arthur
SB 164-Cierpiot	SB 208-Burlison
SB 165-Arthur	SB 209-Burlison
SB 166-Arthur	SB 210-Burlison
SB 167-Arthur	SB 211-White
SB 168-Burlison	SB 212-White
SB 169-Burlison	SB 213-White
SB 170-Burlison	SB 214-Hough
SB 171-White	SB 215-Hough
SB 172-White	SRB 216-Hough
SB 173-White	SB 217-Luetkemeyer
SB 174-Hough	SB 218-Luetkemeyer
SB 175-Hough	SB 219-Luetkemeyer
SB 176-Hough	SB 220-Beck
SB 177-Brown	SB 221-Beck
SB 178-Brown	SB 222-Beck
SB 179-Luetkemeyer	SB 223-Onder
SB 180-Luetkemeyer	SB 224-Onder
SB 181-Luetkemeyer	SB 225-Onder
SB 182-O'Laughlin	SB 226-Koenig
SB 183-O'Laughlin	SB 227-Arthur
SB 184-Bean	SB 228-Arthur
SB 185-Bean	SB 229-Arthur
SB 186-Beck	SB 230-Burlison
SB 187-Beck	SB 231-Burlison
SB 188-Beck	SB 232-Burlison
SB 189-Washington	SB 233-White
SB 190-Washington	SB 234-White
SB 191-Washington	SB 235-White
SB 192-Onder	SB 236-Hough
SB 193-Onder	SB 237-Hough
SB 194-Onder	SB 238-Luetkemeyer

SB 239-Luetkemeyer	SB 283-Hoskins
SB 240-Luetkemeyer	SB 284-Crawford
SB 241-Beck	SB 285-Arthur
SB 242-Beck	SB 286-Hough
SB 243-Beck	SB 287-Crawford
SB 244-Onder	SB 288-Eigel
SB 245-Onder	SB 289-Brown
SB 246-Onder	SB 290-Hegeman
SB 247-Arthur	SB 291-Brown
SB 248-Arthur	SB 292-Schupp
SB 249-Burlison	SB 293-Hoskins
SB 250-Burlison	SB 294-Hoskins
SB 251-Onder	SB 295-Crawford
SB 252-Onder	SB 296-Brattin
SB 253-Hegeman	SB 297-Roberts
SB 254-Riddle	SB 298-Arthur
SB 255-Riddle	SB 299-Bernskoetter
SB 256-Rowden	SB 300-Bernskoetter
SB 257-Burlison	SB 301-Bernskoetter
SB 258-White	SB 302-Gannon
SB 259-O'Laughlin	SB 303-Gannon
SB 260-O'Laughlin	SB 304-Eslinger
SB 261-Williams	SB 305-Roberts
SB 262-Schatz	SB 306-Bernskoetter
SB 263-Crawford	SB 307-Brown
SB 264-Arthur	SB 308-Koenig
SB 265-Eslinger	SB 309-Hegeman
SB 266-Mosley	SB 310-Crawford
SB 267-Mosley	SB 311-Roberts
SB 268-Mosley	SB 312-Roberts
SB 269-Mosley	SB 313-Eigel
SB 270-Mosley	SB 314-Hough
SB 271-Mosley	SB 315-Hough
SB 272-Mosley	SB 316-Hough
SB 273-Mosley	SB 317-May
SB 274-Mosley	SB 318-May
SB 275-Mosley	SB 319-May
SB 276-Mosley	SB 320-Roberts
SB 277-Mosley	SB 321-Roberts
SB 278-Mosley	SB 322-Roberts
SB 279-Mosley	SB 323-May
SB 280-Cierpiot	SB 324-Hegeman
SB 281-Brown	SB 325-Hegeman
SB 282-Hegeman	SB 326-Beck

SB 327-Koenig	SJR 1-Hegeman
SB 328-Rowden	SJR 2-Onder
SB 329-Rowden	SJR 3-Hoskins
SB 330-Burlison	SJR 4-Koenig
SB 331-Burlison	SJR 5-Eigel
SB 332-Burlison	SJR 6-Eigel
SB 333-Burlison	SJR 7-Eigel
SB 334-Bernskoetter	SJR 8-Cierpiot
SB 335-Brattin	SJR 9-Cierpiot
SB 336-Brattin	SJR 10-Cierpiot
SB 337-Riddle	SJR 11-Burlison
SB 338-Luetkemeyer	SJR 12-Luetkemeyer
SB 339-Luetkemeyer	SJR 13-Brattin
SB 340-White	SJR 14-Brattin
SB 341-White	SJR 15-Eslinger
SB 342-White	SJR 16-Eslinger
SB 343-Brown	SJR 17-Washington
SB 344-Brown	SJR 18-Eigel
SB 345-Brown	SJR 19-Cierpiot
SB 346-O'Laughlin	SJR 20-Cierpiot
SB 347-O'Laughlin	SJR 21-Schatz
SB 348-O'Laughlin	SJR 22-Mosley
SB 349-Roberts	SJR 23-Roberts
SB 350-White	

INFORMAL CALENDAR

RESOLUTIONS

SR 4-Schatz

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Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 7, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord of lords...who alone does great wonders, for his steadfast love endures forever.” (Psalm 136:3-4)

Heavenly Father, as we conclude this short week let us return home mindful of what has already transpired here and give thanks for what has been given to us. Lord we ask, given the dissonance within our country, we may be instruments of peace and may we experience Your claiming Word and share its love with others we encounter this weekend. Travel with us this day keeping us mindful of our responsibilities to those who travel our roads bringing us safely to those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Washington	White
Wieland	Williams—30					

Absent—Senators—None

Absent with leave—Senators

Bernskoetter	Burlison	Onder	Schupp—4
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 6, regarding Matt Schoo, which was adopted.

Senator Hegeman offered Senate Resolution No. 7, regarding the One Hundredth Birthday of Alfred Cecil Bowman, Maryville, which was adopted.

Senator May offered Senate Resolution No. 8, regarding the One Hundredth Anniversary of the Upsilon Omega Chapter of Omega Psi Phi Fraternity Incorporated, St. Louis, which was adopted.

Senator Schatz moved that **SR 4** be taken up for adoption, which motion prevailed.

Senator Schatz moved that **SR 4** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 4, as it appears on Page 7 of the Senate Journal for Wednesday, January 6, 2021, Line 34 of said journal page, by striking the number “8” and inserting in lieu thereof the following: “7”.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Resolution No. 4, as it appears on Page 6 of the Senate Journal for Wednesday, January 6, 2021, Lines 35-36 of said journal page, by striking “60, 61, 64, 88, and 96” and inserting in lieu thereof the following: “**and 88**”; and further amend said resolution, page 10, lines 5-22 by striking all of said lines; and further amend lines 25-36 by striking all of said lines.

Senator Rizzo moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Schatz offered **SSA 1** for **SA 2**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2**

Amend Senate Resolution No. 4, as it appears on Page 6 of the Senate Journal for Wednesday, January 6, 2021, Lines 35-36 of said journal page, by striking “60, 61, 64,”; and further amend said resolution, page 10, lines 5-22 by striking all of said lines; and further amend line 30 by inserting after the word “chamber.” the following: “**Any such approved electronic device shall not be a laptop computer.**”.

Senator Schatz moved that the above substitute amendment be adopted, which motion prevailed, rendering **SA 2** moot.

Senator Hoskins offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Resolution No. 4, as it appears on Page 9 of the Senate Journal for Wednesday, January 6, 2021, Line 4 of said journal page, by inserting after the word “other.” the following: “**Such hearing, as**

well as a vote of the committee on such bill, shall occur within thirty calendar days of referral of the bill to the committee.”.

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Hoskins, SA 3 was withdrawn.

Senator May offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Resolution No. 4, as it appears on Page 7 of the Senate Journal for Wednesday, January 6, 2021, Line 39 of said journal page, by inserting at the end of said line the following: “**Any bill referred to a committee shall receive a hearing, and vote of the committee, within thirty calendar days of referral of the bill to the committee.**”; and

Further amend said resolution, page 9, line 4 by inserting after the word “other.” the following: “**Such hearing, as well as a vote of the committee on such bill, shall occur within thirty calendar days of referral of the bill to the committee.**”.

Senator May moved that the above amendment be adopted, which motion failed.

Senator Schatz moved that SR 4, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	Razer	Rehder	Rizzo
Roberts	Rowden	Schatz	Washington	White	Wieland	Williams—28

NAYS—Senators—None

Absent—Senators

O’Laughlin Riddle—2

Absent with leave—Senators

Bernskoetter Burlison Onder Schupp—4

Vacancies—None

CONCURRENT RESOLUTIONS

Senator White offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

Relating to an application to Congress for the calling of an Article V Convention of states to propose an amendment to the United States Constitution to authorize the several states to repeal certain federal actions.

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in addition to the encroachment by Congress on powers reserved to the states, the federal courts have exceeded powers granted

to the federal judiciary under Article III of the U.S. Constitution by rulings that encroach upon powers reserved to the states; and

Whereas, the United States Constitution should be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and the federal courts and those of the several states, and better prevent the denial or disparagement of the rights retained by the people:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing an amendment to the United States Constitution to give states the authority to repeal a Federal rule, regulation, or statute, or a Federal court ruling relating to certain federal actions, when ratified by the legislatures of two-thirds of the several states; and

Be It Further Resolved that the following article be proposed as an amendment to the Constitution of the United States:

“Section 1. The several states may repeal, in whole or in part, any:

1) Presidential Executive order, rule, regulation, other regulatory action, administrative ruling issued by a department, agency, or instrumentality of the United States;

2) Statute that has duly passed both houses of Congress; or

3) Federal Court ruling relating to the provisions of subsection 1 or 2 of this section.

Such repeal shall be effective when the legislatures of two-thirds of the several States approve resolutions for this purpose that particularly describe the same provision or provisions of the Executive order, rule, regulation, other regulatory action, administrative ruling or statute, or ruling to be repealed.

Section 2. Congress shall have power to enforce this article by appropriate legislation.”; and

Be It Further Resolved that the General Assembly adopts this application with the following understandings (as the term “understandings” is used within the context of “reservations, understandings, and declarations”):

(1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to “call” for a convention;

(2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

(3) The power of Congress to “call” a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(5) Congress possesses no power to set the number of delegates to be sent by any states;

(6) Congress possesses no power whatsoever to determine any rules for such convention;

(7) By definition, a Convention of States means that states vote on the basis of one state, one vote;

(8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;

(9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions;

(10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;

(12) Missouri places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

Be It Further Resolved that this application shall expire five (5) years after the passage of this resolution; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 351—By Koenig.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to sales

tax filing deadlines.

SB 352—By Koenig.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to parental rights in public schools.

SB 353—By Moon.

An Act to repeal sections 144.020 and 144.190, RSMo, and to enact in lieu thereof two new sections relating to sales tax, with an emergency clause.

SB 354—By Hoskins.

An Act to repeal section 348.436, RSMo, and to enact in lieu thereof one new section relating to a tax credit for agricultural production.

SB 355—By Hoskins.

An Act to repeal section 135.686, RSMo, and to enact in lieu thereof one new section relating to a tax credit for the expansion of meat processing facilities.

SB 356—By May.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the use of credit reports by employers.

SB 357—By Washington.

An Act to amend chapter 487, RSMo, by adding thereto one new section relating to family court participants participating in the medical marijuana program.

SB 358—By Arthur.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for unemployment benefit payments.

SB 359—By Wieland.

An Act to repeal section 400.3-309, RSMo, and to enact in lieu thereof one new section relating to the enforcement of instruments by persons not in possession.

SB 360—By Wieland.

An Act to repeal section 287.715, RSMo, and to enact in lieu thereof one new section relating to supplemental surcharges collected by the division of workers' compensation.

SB 361—By Wieland.

An Act to repeal sections 287.220, 287.280, and 287.480, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

SB 362—By Wieland.

An Act to repeal sections 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 367.150, and 369.049, RSMo, and to enact in lieu thereof eleven new sections relating

to financial institutions.

SB 363—By Mosley.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the creation of wards in certain school districts.

SB 364—By Mosley.

An Act to amend chapter 324, RSMo, by adding thereto twenty-one new sections relating to the statewide licensure of home improvement contractors and salespersons, with penalty provisions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred First General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred First General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers, to wit:

Speaker	Rob Vescovo
Speaker Pro Tem	John Wiemann
Chief Clerk	Dana Rademan Miller
Doorkeeper	Charles Hildebrand
Sergeant-at-Arms	Randy Werner
Chaplain	Reverend Monsignor Robert Kurwicki

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the One Hundred First General Assembly, First Regular Session, of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

RESOLUTIONS

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 9, regarding Corrections Officer I (CO-I) Oluropo Akins, Jefferson City, which was adopted.

Senator Hoskins offered Senate Resolution No. 10, regarding the One Hundred and Fiftieth Anniversary of the University of Central Missouri, Warrensburg, which was adopted.

Senator Riddle offered Senate Resolution No. 11, regarding Dan Hampson, Warrenton, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Monday, January 11, 2021.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 11, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Hegeman	SB 32-Cierpiot
SB 2-Hegeman	SB 33-Arthur
SB 3-Hegeman	SB 34-Arthur
SB 4-Wieland	SB 35-Arthur
SB 5-Wieland	SB 36-Bernskoetter
SB 6-Wieland	SB 37-Bernskoetter
SB 7-Riddle	SB 38-Bernskoetter
SB 8-Riddle	SB 39-Burlison
SB 9-Riddle	SB 40-Burlison
SB 10-Schatz	SB 41-Burlison
SB 11-Schatz	SB 42-White
SB 12-Onder	SB 43-White
SB 13-Onder	SB 44-White
SB 14-Onder	SB 45-Hough
SB 15-Schupp	SB 46-Hough
SB 16-Schupp	SB 47-Hough
SB 17-Schupp	SB 48-Brown
SB 18-Hoskins	SB 49-Brown
SB 19-Hoskins	SB 50-Brown
SB 20-Hoskins	SB 51-Luetkemeyer
SB 21-Koenig	SB 52-Luetkemeyer
SB 22-Koenig	SB 53-Luetkemeyer
SB 23-Koenig	SB 54-O’Laughlin
SB 24-Eigel	SB 55-O’Laughlin
SB 25-Eigel	SB 56-O’Laughlin
SB 26-Eigel	SB 57-May
SB 27-Crawford	SB 58-May
SB 28-Crawford	SB 59-May
SB 29-Crawford	SB 60-Williams
SB 30-Cierpiot	SB 61-Williams
SB 31-Cierpiot	SB 62-Williams

SB 63-Rehder	SB 103-Eigel
SB 64-Rehder	SB 104-Eigel
SB 65-Rehder	SB 105-Crawford
SB 66-Brattin	SB 106-Crawford
SB 67-Brattin	SB 107-Crawford
SB 68-Brattin	SB 108-Cierpiot
SB 69-Gannon	SB 109-Cierpiot
SB 70-Gannon	SB 110-Cierpiot
SB 71-Gannon	SB 111-Arthur
SB 72-Eslinger	SB 112-Arthur
SB 73-Bean	SB 113-Arthur
SB 74-Bean	SB 114-Bernskoetter
SB 75-Bean	SB 115-Bernskoetter
SB 76-Beck	SB 116-Bernskoetter
SB 77-Beck	SB 117-Burlison
SB 78-Beck	SB 118-Burlison
SB 79-Razer	SB 119-Burlison
SB 80-Razer	SB 120-White
SB 81-Razer	SB 121-White
SB 82-Washington	SB 122-White
SB 83-Washington	SB 123-Hough
SB 84-Washington	SB 124-Hough
SB 85-Hegeman	SB 125-Hough
SB 86-Hegeman	SB 126-Brown
SB 87-Hegeman	SB 127-Brown
SB 88-Wieland	SB 128-Brown
SB 89-Wieland	SB 129-Luetkemeyer
SB 90-Wieland	SB 130-Luetkemeyer
SB 91-Riddle	SB 131-Luetkemeyer
SB 92-Riddle	SB 132-O'Laughlin
SB 93-Onder	SB 133-O'Laughlin
SB 94-Onder	SB 134-O'Laughlin
SB 95-Onder	SB 135-May
SB 96-Hoskins	SB 136-Rehder
SB 97-Hoskins	SB 137-Brattin
SB 98-Hoskins	SB 138-Brattin
SB 99-Koenig	SB 139-Bean
SB 100-Koenig	SB 140-Bean
SB 101-Koenig	SB 141-Bean
SB 102-Eigel	SB 142-Beck

SB 143-Beck	SB 183-O’Laughlin
SB 144-Beck	SB 184-Bean
SB 145-Washington	SB 185-Bean
SB 146-Washington	SB 186-Beck
SB 147-Washington	SB 187-Beck
SB 148-Onder	SB 188-Beck
SB 149-Onder	SB 189-Washington
SB 150-Onder	SB 190-Washington
SB 151-Hoskins	SB 191-Washington
SB 152-Hoskins	SB 192-Onder
SB 153-Koenig	SB 193-Onder
SB 154-Koenig	SB 194-Onder
SB 155-Koenig	SB 195-Koenig
SB 156-Eigel	SB 196-Koenig
SB 157-Eigel	SB 197-Koenig
SB 158-Eigel	SB 198-Eigel
SB 159-Crawford	SB 199-Eigel
SB 160-Crawford	SB 200-Eigel
SB 161-Crawford	SB 201-Crawford
SB 162-Cierpiot	SB 202-Cierpiot
SB 163-Cierpiot	SB 203-Cierpiot
SB 164-Cierpiot	SB 204-Cierpiot
SB 165-Arthur	SB 205-Arthur
SB 166-Arthur	SB 206-Arthur
SB 167-Arthur	SB 207-Arthur
SB 168-Burlison	SB 208-Burlison
SB 169-Burlison	SB 209-Burlison
SB 170-Burlison	SB 210-Burlison
SB 171-White	SB 211-White
SB 172-White	SB 212-White
SB 173-White	SB 213-White
SB 174-Hough	SB 214-Hough
SB 175-Hough	SB 215-Hough
SB 176-Hough	SRB 216-Hough
SB 177-Brown	SB 217-Luetkemeyer
SB 178-Brown	SB 218-Luetkemeyer
SB 179-Luetkemeyer	SB 219-Luetkemeyer
SB 180-Luetkemeyer	SB 220-Beck
SB 181-Luetkemeyer	SB 221-Beck
SB 182-O’Laughlin	SB 222-Beck

SB 223-Onder	SB 263-Crawford
SB 224-Onder	SB 264-Arthur
SB 225-Onder	SB 265-Eslinger
SB 226-Koenig	SB 266-Mosley
SB 227-Arthur	SB 267-Mosley
SB 228-Arthur	SB 268-Mosley
SB 229-Arthur	SB 269-Mosley
SB 230-Burlison	SB 270-Mosley
SB 231-Burlison	SB 271-Mosley
SB 232-Burlison	SB 272-Mosley
SB 233-White	SB 273-Mosley
SB 234-White	SB 274-Mosley
SB 235-White	SB 275-Mosley
SB 236-Hough	SB 276-Mosley
SB 237-Hough	SB 277-Mosley
SB 238-Luetkemeyer	SB 278-Mosley
SB 239-Luetkemeyer	SB 279-Mosley
SB 240-Luetkemeyer	SB 280-Cierpiot
SB 241-Beck	SB 281-Brown
SB 242-Beck	SB 282-Hegeman
SB 243-Beck	SB 283-Hoskins
SB 244-Onder	SB 284-Crawford
SB 245-Onder	SB 285-Arthur
SB 246-Onder	SB 286-Hough
SB 247-Arthur	SB 287-Crawford
SB 248-Arthur	SB 288-Eigel
SB 249-Burlison	SB 289-Brown
SB 250-Burlison	SB 290-Hegeman
SB 251-Onder	SB 291-Brown
SB 252-Onder	SB 292-Schupp
SB 253-Hegeman	SB 293-Hoskins
SB 254-Riddle	SB 294-Hoskins
SB 255-Riddle	SB 295-Crawford
SB 256-Rowden	SB 296-Brattin
SB 257-Burlison	SB 297-Roberts
SB 258-White	SB 298-Arthur
SB 259-O'Laughlin	SB 299-Bernskoetter
SB 260-O'Laughlin	SB 300-Bernskoetter
SB 261-Williams	SB 301-Bernskoetter
SB 262-Schatz	SB 302-Gannon

SB 303-Gannon	SB 344-Brown
SB 304-Eslinger	SB 345-Brown
SB 305-Roberts	SB 346-O’Laughlin
SB 306-Bernskoetter	SB 347-O’Laughlin
SB 307-Brown	SB 348-O’Laughlin
SB 308-Koenig	SB 349-Roberts
SB 309-Hegeman	SB 350-White
SB 310-Crawford	SB 351-Koenig
SB 311-Roberts	SB 352-Koenig
SB 312-Roberts	SB 353-Moon
SB 313-Eigel	SB 354-Hoskins
SB 314-Hough	SB 355-Hoskins
SB 315-Hough	SB 356-May
SB 316-Hough	SB 357-Washington
SB 317-May	SB 358-Arthur
SB 318-May	SB 359-Wieland
SB 319-May	SB 360-Wieland
SB 320-Roberts	SB 361-Wieland
SB 321-Roberts	SB 362-Wieland
SB 322-Roberts	SB 363-Mosley
SB 323-May	SB 364-Mosley
SB 324-Hegeman	SJR 1-Hegeman
SB 325-Hegeman	SJR 2-Onder
SB 326-Beck	SJR 3-Hoskins
SB 327-Koenig	SJR 4-Koenig
SB 328-Rowden	SJR 5-Eigel
SB 329-Rowden	SJR 6-Eigel
SB 330-Burlison	SJR 7-Eigel
SB 331-Burlison	SJR 8-Cierpiot
SB 332-Burlison	SJR 9-Cierpiot
SB 333-Burlison	SJR 10-Cierpiot
SB 334-Bernskoetter	SJR 11-Burlison
SB 335-Brattin	SJR 12-Luetkemeyer
SB 336-Brattin	SJR 13-Brattin
SB 337-Riddle	SJR 14-Brattin
SB 338-Luetkemeyer	SJR 15-Eslinger
SB 339-Luetkemeyer	SJR 16-Eslinger
SB 340-White	SJR 17-Washington
SB 341-White	SJR 18-Eigel
SB 342-White	SJR 19-Cierpiot
SB 343-Brown	SJR 20-Cierpiot

SJR 21-Schatz
SJR 22-Mosley

SJR 23-Roberts

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 1-White

✓

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 11, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Like good servants of the manifold grace of God, serve one another with whatever gift each of you has received.” (1 Peter 4:10)

Wondrous God, we thank You for our safe travel and the wonderful day this is for so many. We ask, O Lord Your blessings and guidance for our Governor and Lt. Governor as they begin another term leading us as You would have them. And let us continue to serve one another as we share our gifts and talents we have been given and may we share the joy of being here and working with each other to provide what is indeed most helpful and necessary for the people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 7, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 12, regarding Captain Jerry T. Shafer, Utica, which was adopted.

Senator White offered Senate Resolution No. 13, regarding Judy Stiles, Joplin, which was adopted.

Senator White offered Senate Resolution No. 14, regarding Bill Hunt, Joplin, which was adopted.

Senator Rowden moved that the Senate recess until 12:30 p.m. and the Senators repair to the South steps of the Capitol where they will meet the House of Representatives in Joint Session to witness the Inauguration of the newly elected Governor, Michael L. Parson, and receive his message, which motion prevailed.

JOINT SESSION

The Senate and the House of Representatives met in Joint Assembly on the steps of the Capitol where President Pro Tem Schatz called the Joint Assembly to order.

Welcome was extended by the Honorable Dave Schatz, President Pro Tem of the Missouri Senate.

The Invocation was offered by Dr. Billy Russel, First Baptist Church of Bolivar.

Alicia and Jonathan House sang the National Anthem.

John Sanders, former JAG student, led the audience in the Pledge of Allegiance to the Flag.

The Colors were presented by the Missouri Army National Guard.

Rabbi Yosef David and Pastor John Modest Miles led the audience in today's Scripture reading.

The Honorable Thomas Albus, Circuit Judge for the 21st Judicial Circuit, administered the oath of office to Attorney General-elect Eric Schmitt.

The Honorable Johnnie Cox, Associate Circuit Judge for the 39th Judicial Circuit, administered the oath of office to State Treasurer-elect Scott Fitzpatrick.

The Honorable Jon Beetem, Presiding Circuit Judge for the 19th Judicial Circuit, administered the oath of office to Secretary of State-elect John R. (Jay) Ashcroft.

The Honorable Mary Russell, Justice of the Missouri Supreme Court, administered the oath of office to Lieutenant Governor-elect Mike Kehoe.

The oath of office was administered to Governor-elect Michael L. Parson by the Honorable Sarah Castle, Circuit Judge for the 16th Judicial Court. Immediately after administration of the oath, military honors were rendered to Governor Parson with the firing of a nineteen gun salute by the Missouri National Guard.

Governor Parson delivered his Inaugural Address:

2021 BICENTENNIAL INAUGURAL ADDRESS

GOVERNOR MICHAEL L. PARSON

"MISSOURI SHINES ON"

Good afternoon! Thank you everyone for being here today. Senator Schatz, thank you for the kind introduction.

I am honored to stand before you as the 57th Governor of the great State of Missouri.

I want to begin by thanking my wife Teresa, the First Lady, for her love and support through the years. She brings grace and class to this state, and I could not be more proud to call her my wife.

And my son Kelly, my daughter Stephanie, their spouses, and my six grandchildren. They are what life is all about. They make me a better person, and I love each and every one of them. I thank them for being part of my life.

I'm so grateful to also have my two brothers and the rest of my family here today.

And to the Members of the General Assembly, I want to thank you for your service. I look forward to working with you for the next four years.

To the former governors, thank you for being here as well, and thank you for your service to the people of Missouri.

I would also like to thank:

- * The Missouri Supreme Court,

- * Members of the Missouri Congressional Delegation,

- * Members of the Cabinet,

- * My staff,

- * and distinguished guests.

I also want to thank my fellow Missourians who have joined us here at the Capitol, and those watching at home. Thank you for sharing this special moment.

Almost 200 years ago, the great State of Missouri was established.

This year will mark the 200th anniversary of Missouri's entry as the 24th state in the United States. What a great year to celebrate Missouri and its history, along with all its people.

As I stand here before you, I am reminded of the hard work, passion, and love so many people have for Missouri.

The countless hours people have spent to provide a strong foundation that gives so many people hope and opportunity in their lives.

As we keep building upon this foundation, we will only get stronger.

This is why Missouri is a great place to live. Why so many people have invested their lives into making Missouri a place for everyone.

When I travel across Missouri, I meet so many different people ... but regardless of where we come from, we ALL want what's best for our families and our state.

From rural areas to the big cities, Missouri offers so much to so many ... and others want to come to Missouri because of our values, our hard work, and our common sense approach.

That is the Missouri I know. That is the Missouri I love! That's why I am confident in our future.

As we closed the chapter on 2020, we all had time to reflect. There were sad times, tough times, and exciting times. And through it all ... Missourians prevailed.

Despite the challenges, the heartbeat of our state continues to pump STRONG!

We have been faced with sacrifices, uncertainty, and tragedy ... but with each moment of darkness, there seems to return a tenfold of hope. Missourians are STRONG.

Missourians are COURAGEOUS.

Missourians are FAMILY.

The spirit of our state is composed, positive, and uplifting ... it is alive, and it is well!

As the leader of this state, it is my job to make life better for EVERY Missourian.

This State is more than my house. It is my HOME.

I will care for the unborn to the elderly, the rich to the poor ... REGARDLESS of the color of your skin.

I see each of you. I want the best for ALL of you.

It is a challenging yet incredible responsibility to lead this state.

With a great sense of duty, a thankful heart, and devotion to Missourians, I accept the position of Governor of the great state of Missouri.

Today, I have taken this oath with honor and pride.

I will serve ALL Missourians, and do everything I can to make your lives better.

I will continue working hard to give doctors and nurses the tools they need to care for Missourians.

I will continue working hard to give law enforcement officers the tools they need to keep Missourians safe.

I will continue working hard to give farmers the tools they need to succeed from sun up to sun down.

I will continue working hard to give teachers the tools they need to educate our children.

I will continue working hard each day for ALL Missourians ... and TOGETHER, we can move Missouri in a direction of hope and opportunity...

There's a spark of Missouri hope and courage born in all of us ... and what we do with it is up to us.

The work to be done is not up to me alone. It is shared by all of us.

We have seen some challenging days together ... but when it is hard to find the light, sometimes all you need is a spark to get the fire going again.

Even in the darkest times – Missouri shines on.

Sunny days ARE ahead!

It is with your strong compassion, courage, and heart that I will lead ... and we will ALL succeed.

Hard working, God-fearing, decent folks. That's who we are.

THAT is Missouri!

I am humbled and honored by the trust you have placed in me to lead this great state.

Missourians, I tell you today ... that it is OUR time. It is OUR time to preserve the American dream!

It is an honor and privilege to be the 57th Governor of the State of Missouri.

God bless you, God bless the great State of Missouri, and God bless the United States of America!

The Benediction was pronounced by the Most Reverend Bishop Shawn McKnight.

The Colors were retired by the Missouri Army National Guard.

The Joint Session of the 101st General Assembly was adjourned by President Pro Tem Schatz. The Senators returned to the Chamber, where they were called to order by Senator Hough.

Senator Rowden moved that the Journal for Wednesday, January 6, 2021, be corrected on Page 5, by deleting lines 34-36 and inserting in lieu thereof:

“Absent—Senators—None

Absent with leave—Senators

Bernskoetter Burlison Schupp—3”.

Which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 365—By Wieland.

An Act to repeal section 137.280, RSMo, and to enact in lieu thereof one new section relating to property tax assessment lists.

SB 366—By Wieland.

An Act to repeal sections 478.240, 483.240, 483.241, and 483.245, RSMo, and to enact in lieu thereof four new sections relating to circuit clerks.

SB 367—By Hoskins.

An Act to repeal section 135.750, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified film projects.

SB 368—By Arthur.

An Act to repeal sections 59.319 and 215.036, RSMo, and to enact in lieu thereof two new sections relating to the Missouri housing trust fund.

SB 369—By White.

An Act to repeal section 379.140, RSMo, and to enact in lieu thereof one new section relating to the valuation of insured property.

SB 370—By Brown.

An Act to repeal sections 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof six new sections relating to motor vehicles, with an emergency clause.

SB 371—By Rizzo.

An Act to repeal sections 217.035, 217.650, 217.670, 217.710, 217.720, 217.810, and 548.241, RSMo, and to enact in lieu thereof eight new sections relating to the supervision of adult offenders on probation or parole from other states.

SB 372—By Riddle.

An Act to repeal section 311.620, RSMo, and to enact in lieu thereof one new section relating to qualifications for liquor control agents.

SB 373—By Bean.

An Act to amend chapter 49, RSMo, by adding thereto one new section relating to vandalism of certain property designated by a county commission, with penalty provisions.

SB 374—By Luetkemeyer.

An Act to repeal section 544.665, RSMo, and to enact in lieu thereof one new section relating to the conditional release of offenders, with penalty provisions.

INTRODUCTION OF GUESTS

Senator Bean introduced to the Senate, Eddie Justice, Poplar Bluff.

Senator Hough introduced to the Senate, Abigail Ross, Springfield; Sophia Ross, Springfield; and Colton Sleuth, Springfield.

Senator Brown introduced to the Senate, his mother, Kathy Brown, Rolla.

Senator Luetkemeyer introduced to the Senate, his wife, Lucinda Luetkemeyer, Parkville.

Senator Washington introduced to the Senate, former state Senator and Commissioner, Shalonn “Kiki” Curls, Kansas City.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 12, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Hegeman	SB 31-Cierpiot
SB 2-Hegeman	SB 32-Cierpiot
SB 3-Hegeman	SB 33-Arthur
SB 4-Wieland	SB 34-Arthur
SB 5-Wieland	SB 35-Arthur
SB 6-Wieland	SB 36-Bernskoetter
SB 7-Riddle	SB 37-Bernskoetter
SB 8-Riddle	SB 38-Bernskoetter
SB 9-Riddle	SB 39-Burlison
SB 10-Schatz	SB 40-Burlison
SB 11-Schatz	SB 41-Burlison
SB 12-Onder	SB 42-White
SB 13-Onder	SB 43-White
SB 14-Onder	SB 44-White
SB 15-Schupp	SB 45-Hough
SB 16-Schupp	SB 46-Hough
SB 17-Schupp	SB 47-Hough
SB 18-Hoskins	SB 48-Brown
SB 19-Hoskins	SB 49-Brown
SB 20-Hoskins	SB 50-Brown
SB 21-Koenig	SB 51-Luetkemeyer
SB 22-Koenig	SB 52-Luetkemeyer
SB 23-Koenig	SB 53-Luetkemeyer
SB 24-Eigel	SB 54-O'Laughlin
SB 25-Eigel	SB 55-O'Laughlin
SB 26-Eigel	SB 56-O'Laughlin
SB 27-Crawford	SB 57-May
SB 28-Crawford	SB 58-May
SB 29-Crawford	SB 59-May
SB 30-Cierpiot	SB 60-Williams

SB 61-Williams	SB 101-Koenig
SB 62-Williams	SB 102-Eigel
SB 63-Rehder	SB 103-Eigel
SB 64-Rehder	SB 104-Eigel
SB 65-Rehder	SB 105-Crawford
SB 66-Brattin	SB 106-Crawford
SB 67-Brattin	SB 107-Crawford
SB 68-Brattin	SB 108-Cierpiot
SB 69-Gannon	SB 109-Cierpiot
SB 70-Gannon	SB 110-Cierpiot
SB 71-Gannon	SB 111-Arthur
SB 72-Eslinger	SB 112-Arthur
SB 73-Bean	SB 113-Arthur
SB 74-Bean	SB 114-Bernskoetter
SB 75-Bean	SB 115-Bernskoetter
SB 76-Beck	SB 116-Bernskoetter
SB 77-Beck	SB 117-Burlison
SB 78-Beck	SB 118-Burlison
SB 79-Razer	SB 119-Burlison
SB 80-Razer	SB 120-White
SB 81-Razer	SB 121-White
SB 82-Washington	SB 122-White
SB 83-Washington	SB 123-Hough
SB 84-Washington	SB 124-Hough
SB 85-Hegeman	SB 125-Hough
SB 86-Hegeman	SB 126-Brown
SB 87-Hegeman	SB 127-Brown
SB 88-Wieland	SB 128-Brown
SB 89-Wieland	SB 129-Luetkemeyer
SB 90-Wieland	SB 130-Luetkemeyer
SB 91-Riddle	SB 131-Luetkemeyer
SB 92-Riddle	SB 132-O'Laughlin
SB 93-Onder	SB 133-O'Laughlin
SB 94-Onder	SB 134-O'Laughlin
SB 95-Onder	SB 135-May
SB 96-Hoskins	SB 136-Rehder
SB 97-Hoskins	SB 137-Brattin
SB 98-Hoskins	SB 138-Brattin
SB 99-Koenig	SB 139-Bean
SB 100-Koenig	SB 140-Bean

SB 141-Bean	SB 181-Luetkemeyer
SB 142-Beck	SB 182-O’Laughlin
SB 143-Beck	SB 183-O’Laughlin
SB 144-Beck	SB 184-Bean
SB 145-Washington	SB 185-Bean
SB 146-Washington	SB 186-Beck
SB 147-Washington	SB 187-Beck
SB 148-Onder	SB 188-Beck
SB 149-Onder	SB 189-Washington
SB 150-Onder	SB 190-Washington
SB 151-Hoskins	SB 191-Washington
SB 152-Hoskins	SB 192-Onder
SB 153-Koenig	SB 193-Onder
SB 154-Koenig	SB 194-Onder
SB 155-Koenig	SB 195-Koenig
SB 156-Eigel	SB 196-Koenig
SB 157-Eigel	SB 197-Koenig
SB 158-Eigel	SB 198-Eigel
SB 159-Crawford	SB 199-Eigel
SB 160-Crawford	SB 200-Eigel
SB 161-Crawford	SB 201-Crawford
SB 162-Cierpiot	SB 202-Cierpiot
SB 163-Cierpiot	SB 203-Cierpiot
SB 164-Cierpiot	SB 204-Cierpiot
SB 165-Arthur	SB 205-Arthur
SB 166-Arthur	SB 206-Arthur
SB 167-Arthur	SB 207-Arthur
SB 168-Burlison	SB 208-Burlison
SB 169-Burlison	SB 209-Burlison
SB 170-Burlison	SB 210-Burlison
SB 171-White	SB 211-White
SB 172-White	SB 212-White
SB 173-White	SB 213-White
SB 174-Hough	SB 214-Hough
SB 175-Hough	SB 215-Hough
SB 176-Hough	SRB 216-Hough
SB 177-Brown	SB 217-Luetkemeyer
SB 178-Brown	SB 218-Luetkemeyer
SB 179-Luetkemeyer	SB 219-Luetkemeyer
SB 180-Luetkemeyer	SB 220-Beck

SB 221-Beck	SB 261-Williams
SB 222-Beck	SB 262-Schatz
SB 223-Onder	SB 263-Crawford
SB 224-Onder	SB 264-Arthur
SB 225-Onder	SB 265-Eslinger
SB 226-Koenig	SB 266-Mosley
SB 227-Arthur	SB 267-Mosley
SB 228-Arthur	SB 268-Mosley
SB 229-Arthur	SB 269-Mosley
SB 230-Burlison	SB 270-Mosley
SB 231-Burlison	SB 271-Mosley
SB 232-Burlison	SB 272-Mosley
SB 233-White	SB 273-Mosley
SB 234-White	SB 274-Mosley
SB 235-White	SB 275-Mosley
SB 236-Hough	SB 276-Mosley
SB 237-Hough	SB 277-Mosley
SB 238-Luetkemeyer	SB 278-Mosley
SB 239-Luetkemeyer	SB 279-Mosley
SB 240-Luetkemeyer	SB 280-Cierpiot
SB 241-Beck	SB 281-Brown
SB 242-Beck	SB 282-Hegeman
SB 243-Beck	SB 283-Hoskins
SB 244-Onder	SB 284-Crawford
SB 245-Onder	SB 285-Arthur
SB 246-Onder	SB 286-Hough
SB 247-Arthur	SB 287-Crawford
SB 248-Arthur	SB 288-Eigel
SB 249-Burlison	SB 289-Brown
SB 250-Burlison	SB 290-Hegeman
SB 251-Onder	SB 291-Brown
SB 252-Onder	SB 292-Schupp
SB 253-Hegeman	SB 293-Hoskins
SB 254-Riddle	SB 294-Hoskins
SB 255-Riddle	SB 295-Crawford
SB 256-Rowden	SB 296-Brattin
SB 257-Burlison	SB 297-Roberts
SB 258-White	SB 298-Arthur
SB 259-O'Laughlin	SB 299-Bernskoetter
SB 260-O'Laughlin	SB 300-Bernskoetter

SB 301-Bernskoetter	SB 341-White
SB 302-Gannon	SB 342-White
SB 303-Gannon	SB 343-Brown
SB 304-Eslinger	SB 344-Brown
SB 305-Roberts	SB 345-Brown
SB 306-Bernskoetter	SB 346-O'Laughlin
SB 307-Brown	SB 347-O'Laughlin
SB 308-Koenig	SB 348-O'Laughlin
SB 309-Hegeman	SB 349-Roberts
SB 310-Crawford	SB 350-White
SB 311-Roberts	SB 351-Koenig
SB 312-Roberts	SB 352-Koenig
SB 313-Eigel	SB 353-Moon
SB 314-Hough	SB 354-Hoskins
SB 315-Hough	SB 355-Hoskins
SB 316-Hough	SB 356-May
SB 317-May	SB 357-Washington
SB 318-May	SB 358-Arthur
SB 319-May	SB 359-Wieland
SB 320-Roberts	SB 360-Wieland
SB 321-Roberts	SB 361-Wieland
SB 322-Roberts	SB 362-Wieland
SB 323-May	SB 363-Mosley
SB 324-Hegeman	SB 364-Mosley
SB 325-Hegeman	SB 365-Wieland
SB 326-Beck	SB 366-Wieland
SB 327-Koenig	SB 367-Hoskins
SB 328-Rowden	SB 368-Arthur
SB 329-Rowden	SB 369-White
SB 330-Burlison	SB 370-Brown
SB 331-Burlison	SB 371-Rizzo
SB 332-Burlison	SB 372-Riddle
SB 333-Burlison	SB 373-Bean
SB 334-Bernskoetter	SB 374-Luetkemeyer
SB 335-Brattin	SJR 1-Hegeman
SB 336-Brattin	SJR 2-Onder
SB 337-Riddle	SJR 3-Hoskins
SB 338-Luetkemeyer	SJR 4-Koenig
SB 339-Luetkemeyer	SJR 5-Eigel
SB 340-White	SJR 6-Eigel

SJR 7-Eigel
SJR 8-Cierpiot
SJR 9-Cierpiot
SJR 10-Cierpiot
SJR 11-Burlison
SJR 12-Luetkemeyer
SJR 13-Brattin
SJR 14-Brattin
SJR 15-Eslinger

SJR 16-Eslinger
SJR 17-Washington
SJR 18-Eigel
SJR 19-Cierpiot
SJR 20-Cierpiot
SJR 21-Schatz
SJR 22-Mosley
SJR 23-Roberts

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 1-White

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Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 12, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

If any of you is lacking in wisdom, ask God, who gives to all generously and ungrudgingly, and it will be given to you.” (James 1:5)

Omission God, we are thankful for the intelligence we have been given and opportunity to make good use of it, yet we are aware that wisdom is a gift that comes from learning from the mistakes we and others have made and the consequences of them. So, help us Lord, to learn from You and be dependent on Your faithful teaching and may we follow faithfully and use that wisdom to help those we meet daily. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 15, regarding Anthony D. Snider, New Bloomfield, which was adopted.

Senator Cierpiot offered Senate Resolution No. 16, regarding Terrie L. Bauer, Lee's Summit, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 375—By Eigel.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to the reimbursement of certain expenses for certain employees.

SB 376—By Hegeman.

An Act to repeal section 174.450, RSMo, and to enact in lieu thereof two new sections relating to statewide missions of institutions of higher education.

SB 377—By Eslinger.

An Act to repeal section 537.347, RSMo, and to enact in lieu thereof one new section relating to landowner liability.

SB 378—By Onder.

An Act to repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof two new sections relating to elections.

SB 379—By O'Laughlin.

An Act to repeal sections 153.030 and 393.1073, RSMo, and to enact in lieu thereof two new sections relating to the taxation of property associated with the production of energy.

SB 380—By Moon.

An Act to amend chapter 589, RSMo, by adding thereto nine new sections relating to a terrorist offender registry, with penalty provisions.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 1—Rules, Joint Resolutions, Resolutions and Ethics.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH-DAY–WEDNESDAY, JANUARY 13, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Hegeman	SB 25-Eigel
SB 2-Hegeman	SB 26-Eigel
SB 3-Hegeman	SB 27-Crawford
SB 4-Wieland	SB 28-Crawford
SB 5-Wieland	SB 29-Crawford
SB 6-Wieland	SB 30-Cierpiot
SB 7-Riddle	SB 31-Cierpiot
SB 8-Riddle	SB 32-Cierpiot
SB 9-Riddle	SB 33-Arthur
SB 10-Schatz	SB 34-Arthur
SB 11-Schatz	SB 35-Arthur
SB 12-Onder	SB 36-Bernskoetter
SB 13-Onder	SB 37-Bernskoetter
SB 14-Onder	SB 38-Bernskoetter
SB 15-Schupp	SB 39-Burlison
SB 16-Schupp	SB 40-Burlison
SB 17-Schupp	SB 41-Burlison
SB 18-Hoskins	SB 42-White
SB 19-Hoskins	SB 43-White
SB 20-Hoskins	SB 44-White
SB 21-Koenig	SB 45-Hough
SB 22-Koenig	SB 46-Hough
SB 23-Koenig	SB 47-Hough
SB 24-Eigel	SB 48-Brown

SB 49-Brown	SB 84-Washington
SB 50-Brown	SB 85-Hegeman
SB 51-Luetkemeyer	SB 86-Hegeman
SB 52-Luetkemeyer	SB 87-Hegeman
SB 53-Luetkemeyer	SB 88-Wieland
SB 54-O’Laughlin	SB 89-Wieland
SB 55-O’Laughlin	SB 90-Wieland
SB 56-O’Laughlin	SB 91-Riddle
SB 57-May	SB 92-Riddle
SB 58-May	SB 93-Onder
SB 59-May	SB 94-Onder
SB 60-Williams	SB 95-Onder
SB 61-Williams	SB 96-Hoskins
SB 62-Williams	SB 97-Hoskins
SB 63-Rehder	SB 98-Hoskins
SB 64-Rehder	SB 99-Koenig
SB 65-Rehder	SB 100-Koenig
SB 66-Brattin	SB 101-Koenig
SB 67-Brattin	SB 102-Eigel
SB 68-Brattin	SB 103-Eigel
SB 69-Gannon	SB 104-Eigel
SB 70-Gannon	SB 105-Crawford
SB 71-Gannon	SB 106-Crawford
SB 72-Eslinger	SB 107-Crawford
SB 73-Bean	SB 108-Cierpiot
SB 74-Bean	SB 109-Cierpiot
SB 75-Bean	SB 110-Cierpiot
SB 76-Beck	SB 111-Arthur
SB 77-Beck	SB 112-Arthur
SB 78-Beck	SB 113-Arthur
SB 79-Razer	SB 114-Bernskoetter
SB 80-Razer	SB 115-Bernskoetter
SB 81-Razer	SB 116-Bernskoetter
SB 82-Washington	SB 117-Burlison
SB 83-Washington	SB 118-Burlison

SB 119-Burlison	SB 153-Koenig
SB 120-White	SB 154-Koenig
SB 121-White	SB 155-Koenig
SB 122-White	SB 156-Eigel
SB 123-Hough	SB 157-Eigel
SB 124-Hough	SB 158-Eigel
SB 125-Hough	SB 159-Crawford
SB 126-Brown	SB 160-Crawford
SB 127-Brown	SB 161-Crawford
SB 128-Brown	SB 162-Cierpiot
SB 129-Luetkemeyer	SB 163-Cierpiot
SB 130-Luetkemeyer	SB 164-Cierpiot
SB 131-Luetkemeyer	SB 165-Arthur
SB 132-O'Laughlin	SB 166-Arthur
SB 133-O'Laughlin	SB 167-Arthur
SB 134-O'Laughlin	SB 168-Burlison
SB 135-May	SB 169-Burlison
SB 136-Rehder	SB 170-Burlison
SB 137-Brattin	SB 171-White
SB 138-Brattin	SB 172-White
SB 139-Bean	SB 173-White
SB 140-Bean	SB 174-Hough
SB 141-Bean	SB 175-Hough
SB 142-Beck	SB 176-Hough
SB 143-Beck	SB 177-Brown
SB 144-Beck	SB 178-Brown
SB 145-Washington	SB 179-Luetkemeyer
SB 146-Washington	SB 180-Luetkemeyer
SB 147-Washington	SB 181-Luetkemeyer
SB 148-Onder	SB 182-O'Laughlin
SB 149-Onder	SB 183-O'Laughlin
SB 150-Onder	SB 184-Bean
SB 151-Hoskins	SB 185-Bean
SB 152-Hoskins	SB 186-Beck

SB 187-Beck	SB 221-Beck
SB 188-Beck	SB 222-Beck
SB 189-Washington	SB 223-Onder
SB 190-Washington	SB 224-Onder
SB 191-Washington	SB 225-Onder
SB 192-Onder	SB 226-Koenig
SB 193-Onder	SB 227-Arthur
SB 194-Onder	SB 228-Arthur
SB 195-Koenig	SB 229-Arthur
SB 196-Koenig	SB 230-Burlison
SB 197-Koenig	SB 231-Burlison
SB 198-Eigel	SB 232-Burlison
SB 199-Eigel	SB 233-White
SB 200-Eigel	SB 234-White
SB 201-Crawford	SB 235-White
SB 202-Cierpiot	SB 236-Hough
SB 203-Cierpiot	SB 237-Hough
SB 204-Cierpiot	SB 238-Luetkemeyer
SB 205-Arthur	SB 239-Luetkemeyer
SB 206-Arthur	SB 240-Luetkemeyer
SB 207-Arthur	SB 241-Beck
SB 208-Burlison	SB 242-Beck
SB 209-Burlison	SB 243-Beck
SB 210-Burlison	SB 244-Onder
SB 211-White	SB 245-Onder
SB 212-White	SB 246-Onder
SB 213-White	SB 247-Arthur
SB 214-Hough	SB 248-Arthur
SB 215-Hough	SB 249-Burlison
SRB 216-Hough	SB 250-Burlison
SB 217-Luetkemeyer	SB 251-Onder
SB 218-Luetkemeyer	SB 252-Onder
SB 219-Luetkemeyer	SB 253-Hegeman
SB 220-Beck	SB 254-Riddle

SB 255-Riddle	SB 289-Brown
SB 256-Rowden	SB 290-Hegeman
SB 257-Burlison	SB 291-Brown
SB 258-White	SB 292-Schupp
SB 259-O’Laughlin	SB 293-Hoskins
SB 260-O’Laughlin	SB 294-Hoskins
SB 261-Williams	SB 295-Crawford
SB 262-Schatz	SB 296-Brattin
SB 263-Crawford	SB 297-Roberts
SB 264-Arthur	SB 298-Arthur
SB 265-Eslinger	SB 299-Bernskoetter
SB 266-Mosley	SB 300-Bernskoetter
SB 267-Mosley	SB 301-Bernskoetter
SB 268-Mosley	SB 302-Gannon
SB 269-Mosley	SB 303-Gannon
SB 270-Mosley	SB 304-Eslinger
SB 271-Mosley	SB 305-Roberts
SB 272-Mosley	SB 306-Bernskoetter
SB 273-Mosley	SB 307-Brown
SB 274-Mosley	SB 308-Koenig
SB 275-Mosley	SB 309-Hegeman
SB 276-Mosley	SB 310-Crawford
SB 277-Mosley	SB 311-Roberts
SB 278-Mosley	SB 312-Roberts
SB 279-Mosley	SB 313-Eigel
SB 280-Cierpiot	SB 314-Hough
SB 281-Brown	SB 315-Hough
SB 282-Hegeman	SB 316-Hough
SB 283-Hoskins	SB 317-May
SB 284-Crawford	SB 318-May
SB 285-Arthur	SB 319-May
SB 286-Hough	SB 320-Roberts
SB 287-Crawford	SB 321-Roberts
SB 288-Eigel	SB 322-Roberts

SB 323-May	SB 357-Washington
SB 324-Hegeman	SB 358-Arthur
SB 325-Hegeman	SB 359-Wieland
SB 326-Beck	SB 360-Wieland
SB 327-Koenig	SB 361-Wieland
SB 328-Rowden	SB 362-Wieland
SB 329-Rowden	SB 363-Mosley
SB 330-Burlison	SB 364-Mosley
SB 331-Burlison	SB 365-Wieland
SB 332-Burlison	SB 366-Wieland
SB 333-Burlison	SB 367-Hoskins
SB 334-Bernskoetter	SB 368-Arthur
SB 335-Brattin	SB 369-White
SB 336-Brattin	SB 370-Brown
SB 337-Riddle	SB 371-Rizzo
SB 338-Luetkemeyer	SB 372-Riddle
SB 339-Luetkemeyer	SB 373-Bean
SB 340-White	SB 374-Luetkemeyer
SB 341-White	SB 375-Eigel
SB 342-White	SB 376-Hegeman
SB 343-Brown	SB 377-Eslinger
SB 344-Brown	SB 378-Onder
SB 345-Brown	SB 379-O’Laughlin
SB 346-O’Laughlin	SB 380-Moon
SB 347-O’Laughlin	SJR 1-Hegeman
SB 348-O’Laughlin	SJR 2-Onder
SB 349-Roberts	SJR 3-Hoskins
SB 350-White	SJR 4-Koenig
SB 351-Koenig	SJR 5-Eigel
SB 352-Koenig	SJR 6-Eigel
SB 353-Moon	SJR 7-Eigel
SB 354-Hoskins	SJR 8-Cierpiot
SB 355-Hoskins	SJR 9-Cierpiot
SB 356-May	SJR 10-Cierpiot

SJR 11-Burlison

SJR 12-Luetkemeyer

SJR 13-Brattin

SJR 14-Brattin

SJR 15-Eslinger

SJR 16-Eslinger

SJR 17-Washington

SJR 18-Eigel

SJR 19-Cierpiot

SJR 20-Cierpiot

SJR 21-Schatz

SJR 22-Mosley

SJR 23-Roberts

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Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 13, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I wait for the Lord my souls waits, and in his word I hope.” (Psalm 134:5)

It is in knowing You Lord that we have hope for the future in spite of the difficulties that many of our people are facing. We have hope for You will help us face what we must and will provide solutions to those things we can change and embrace the triumph that will come from the changes that will be possible through Your presence with us. Continue to abide with us and lead us, good Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Beck—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crawford offered Senate Resolution No. 17, regarding the One Hundredth Birthday of Bob Franklin, Buffalo, which was adopted.

Senator Arthur offered Senate Resolution No. 18, regarding the One Hundredth Anniversary of Davis Paint Company, North Kansas City, which was adopted.

Senator Brown offered Senate Resolution No. 19, regarding Kathy Oliver, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 20, regarding Sheriff Richard Lisenbe, Phelps County, which was adopted.

Senator Crawford offered Senate Resolution No. 21, regarding William L. "Bill" Brouk, Lincoln, which was adopted.

Senator Rowden offered the following resolution:

SENATE RESOLUTION NO. 22

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and seven division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

<u>NO.</u>	<u>CLASSIFICATION</u>	<u>MONTHLY SALARY RANGE</u>
1	Administrative Assistant	\$3,432 - \$4,985
2	Security Specialist	\$3,469 - \$4,985
0.5	SAMIII Specialist	\$2,500 - \$3,250
1	Accounting Specialist	\$3,750 - \$4,985
1	Human Resources Specialist	\$4,000 - \$4,985
5	Administrative/Office Support	\$3,176 - \$4,556
4	Budget Research Analyst II	\$4,224 - \$5,207
1	Budget Research Analyst III	\$5,250 - \$6,675
1	Budget Staff Secretary	\$2,868 - \$3,985
1	Assistant Director - CIS	\$4,995 - \$6,085
3	Computer Information Technologist II	\$3,000 - \$4,210
1	Computer Information Technology Specialist I	\$3,325 - \$4,399
4	Computer Information Technology Specialist II	\$4,400 - \$5,525
2	Computer Information Technology Specialist III	\$5,526 - \$6,625
1	Assistant Director - Communications	\$4,250 - \$5,424
4	Public Information Specialist I	\$2,916 - \$3,823
2	Resolution Writer	\$2,916 - \$3,860
1	Multimedia Specialist	\$2,916 - \$3,823
1	Photographer	\$3,500 - \$4,850

<u>NO.</u>	<u>CLASSIFICATION</u>	<u>MONTHLY SALARY RANGE</u>
7	Staff Attorney	\$5,000 - \$6,669
1	Research Analyst	\$5,000 - \$6,669
4	Research Staff Secretary	\$3,268 - \$4,985
1	Assistant Secretary of Senate	\$4,432 - \$6,250
2	Deputy Secretary of Senate	\$3,268 - \$4,500
1	Enrolling & Engrossing Supervisor	\$4,432 - \$5,556
4	Enrolling & Engrossing Clerk	\$2,548 - \$4,500
3	Journal Production Clerk	\$2,916 - \$3,985
1	Billroom Supervisor	\$2,916 - \$3,865
1	Billroom Clerk	\$2,446 - \$3,550
0.5	Sergeant-at-Arms (Elected)	\$2,679 - \$3,696
3.5	Doorkeeper	\$1,807 - \$2,438
0.5	Reading Clerk	\$1,807 - \$2,438
0.25	Chaplain	\$1,150 - \$1,850
1	Network/Communications Specialist	\$3,500 - \$4,685
3	Mailroom/Print Shop Technician I/II/III	\$2,948 - \$3,865
3	Printing Services Technician I/II/III/IV	\$2,679 - \$3,696
1	Maintenance Supervisor	\$2,868 - \$4,071
3	Maintenance Worker I/II/III	\$2,679 - \$3,696
0.5	Investigator	\$3,432 - \$5,007
1	Library Administrator	\$3,696 - \$5,440
1	Library Clerk	\$2,465 - \$3,432

BE IT FURTHER RESOLVED the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and The Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED the Senate Administrator, on behalf of the Committee on Administration, has the authority to reduce, increase, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and the Committee on Administration may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED the Senate Administration Committee is authorized to adjust the foregoing pay ranges to reflect implementation of the state pay plan.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 22** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 22** was adopted.

COMMITTEE APPOINTMENTS

President Pro Tem Schatz submitted the following committee appointments:

Administration

Senator David Schatz – Chair
Senator Caleb Rowden – Vice Chair
Senator Jeanie Riddle
Senator John Rizzo
Senator Brian Williams

Agriculture, Food Production and Outdoor Resources

Senator Mike Bernskoetter – Chair
Senator Jason Bean – Vice Chair
Senator Justin Brown
Senator Sandy Crawford
Senator Denny Hoskins
Senator Cindy O’Laughlin
Senator Doug Beck
Senator Greg Razer
Senator Barbara Washington

Appropriations

Senator Dan Hegeman – Chair
Senator Lincoln Hough – Vice Chair
Senator Justin Brown
Senator Mike Cierpiot
Senator Sandy Crawford
Senator Bill Eigel
Senator Karla Eslinger
Senator Denny Hoskins
Senator Jeanie Riddle
Senator Lauren Arthur
Senator Brian Williams
Senator Karla May
Senator Barbara Washington

Commerce, Consumer Protection, Energy and the Environment

Senator Mike Cierpiot – Chair
Senator Jeanie Riddle – Vice Chair
Senator Jason Bean

Senator Eric Burlison
Senator Karla Eslinger
Senator Denny Hoskins
Senator Bob Onder
Senator Bill White
Senator Karla May
Senator Doug Beck
Senator Angela Mosley

Economic Development

Senator Denny Hoskins – Chair
Senator Mike Cierpiot – Vice Chair
Senator Mike Bernskoetter
Senator Dan Hegeman
Senator Lincoln Hough
Senator Paul Wieland
Senator John Rizzo
Senator Jill Schupp
Senator Doug Beck

Education

Senator Cindy O’Laughlin – Chair
Senator Rick Brattin – Vice Chair
Senator Mike Cierpiot
Senator Elaine Gannon
Senator Andrew Koenig
Senator Bob Onder
Senator Jill Schupp
Senator Lauren Arthur
Senator Greg Razer

General Laws

Senator Bill Eigel – Chair
Senator Holly Rehder – Vice Chair
Senator Rick Brattin
Senator Eric Burlison
Senator Elaine Gannon
Senator Lauren Arthur
Senator Greg Razer

Government Accountability and Fiscal Oversight

Senator Lincoln Hough – Chair
Senator Bill White – Vice Chair
Senator Mike Bernskoetter
Senator Mike Cierpiot
Senator Tony Luetkemeyer
Senator Holly Rehder
Senator John Rizzo
Senator Steve Roberts

Gubernatorial Appointments

Senator David Schatz – Chair
Senator Caleb Rowden – Vice Chair
Senator Jason Bean
Senator Karla Eslinger
Senator Tony Luetkemeyer
Senator Mike Moon
Senator Jeanie Riddle
Senator Paul Wieland
Senator John Rizzo
Senator Angela Mosley
Senator Brian Williams

Health and Pensions

Senator Bob Onder – Chair
Senator Andrew Koenig – Vice Chair
Senator Bill Eigel
Senator Holly Rehder
Senator Bill White
Senator Jill Schupp
Senator Barbara Washington

Insurance and Banking

Senator Paul Wieland – Chair
Senator Sandy Crawford – Vice Chair
Senator Justin Brown
Senator Eric Burlison
Senator Denny Hoskins
Senator Steve Roberts
Senator Angela Mosley

Judiciary and Civil and Criminal Jurisprudence

Senator Tony Luetkemeyer – Chair
Senator Bob Onder – Vice Chair
Senator Andrew Koenig
Senator Holly Rehder
Senator Bill White
Senator Karla May
Senator Steve Roberts

Local Government and Elections

Senator Sandy Crawford – Chair
Senator Lincoln Hough – Vice Chair
Senator Jason Bean
Senator Rick Brattin
Senator Dan Hegeman
Senator Greg Razer
Senator Angela Mosley

Professional Registration

Senator Jeanie Riddle – Chair
Senator Eric Burlison – Vice Chair
Senator Karla Eslinger
Senator Mike Moon
Senator Paul Wieland
Senator Doug Beck
Senator Barbara Washington

Progress and Development

Senator Jill Schupp – Chair
Senator Brian Williams – Vice Chair
Senator Angela Mosley
Senator Elaine Gannon
Senator Mike Moon

Rules, Joint Rules, Resolutions and Ethics

Senator Caleb Rowden – Chair
Senator David Schatz – Vice Chair
Senator Mike Bernskoetter
Senator Sandy Crawford
Senator Tony Luetkemeyer

Senator Karla May

Senator John Rizzo

Seniors, Families, Veterans and Military Affairs

Senator Bill White – Chair

Senator Elaine Gannon – Vice Chair

Senator Rick Brattin

Senator Justin Brown

Senator Cindy O’Laughlin

Senator Holly Rehder

Senator Jill Schupp

Senator Steve Roberts

Small Business and Industry

Senator Eric Burlison – Chair

Senator Mike Moon – Vice Chair

Senator Mike Bernskoetter

Senator Andrew Koenig

Senator Paul Wieland

Senator Doug Beck

Senator Barbara Washington

Transportation, Infrastructure and Public Safety

Senator Justin Brown – Chair

Senator Jason Bean – Vice Chair

Senator Bill Eigel

Senator Lincoln Hough

Senator Cindy O’Laughlin

Senator Brian Williams

Senator Greg Razer

Ways and Means

Senator Andrew Koenig – Chair

Senator Bill Eigel – Vice Chair

Senator Mike Moon

Senator Cindy O’Laughlin

Senator Bob Onder

Senator Lauren Arthur

Senator Steve Roberts

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

**SENATE HEARING SCHEDULE
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 13, 2021**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Transportation, Infrastructure & Public Safety SCR 1 (Brown) Small Business & Industry SL (Burlison) Appropriations SCR 2 (Hegeman)	Commerce, Consumer Protection, Energy & the Environment SL (Cierpiot) Appropriations SCR 2 (Hegeman)	Ways & Means SL (Koenig) Governmental Accountability & Fiscal Oversight SCR 1 (Hough)
9:00 a.m.		Rules, Joint Rules, Resolutions and Ethics SL (Rowden)		
10:30 a.m.		General Laws SCR 1 (Eigel) Economic Development SL (Hoskins) Appropriations SCR 2 (Hegeman)	Gubernatorial Appointments SL (Schatz) Seniors, Families, Veterans & Military Affairs SCR 1 (White) Appropriations SCR 2 (Hegeman)	
12:00 p.m.		Insurance & Banking SCR 1 (Wieland) Education SL (O’Laughlin) Appropriations SCR 2 (Hegeman)	Local Government & Elections SCR 1 (Crawford) Health and Pensions SL (Onder)	
1:00 p.m.		Progress and Development SCR 1 (Schupp)		
2:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SCR 1 (Luetkemeyer) Professional Registration SL (Riddle) Agriculture, Food Production and Outdoor Resources SCR 2 (Bernskoetter)			

CONCURRENT RESOLUTIONS

Senator Moon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

Whereas, prior to 2015 the Department of Revenue was not required to notify sellers of the modification of the taxability of an item of tangible personal property or service; and

Whereas, the Department of Revenue conducted audits of several sellers prior to 2015, requiring such sellers to remit sales and use tax assessments for the failure to collect sales or use tax on items for which the Department of Revenue expanded its interpretation of taxability; and

Whereas, the Department of Revenue, as a result of audits conducted in 2018 and 2019, unreasonably required wedding venues to remit sales tax assessments for sales tax not collected for the rental of venue space; and

Whereas, the payment of such sales and use tax assessments placed an unreasonable burden on Missouri businesses; and

Whereas, the Department of Revenue is charged with implementing the laws passed by the General Assembly, and is not authorized to reinterpret the intent of such laws:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on the Missouri Department of Revenue to issue refunds for sales and use tax assessments paid by businesses and individuals as a result of an audit conducted by the Department of Revenue between August 28, 2005, and August 28, 2015, and for which the business or individual did not collect such tax from purchasers when the Department of Revenue expanded its interpretation of taxable items; and

Be It Further Resolved that the members of the Missouri General Assembly hereby call on the Missouri Department of Revenue to issue refunds to businesses and individuals that offered wedding venues and that paid sales and use tax assessments as a result of an audit conducted by the Department of Revenue between January 1, 2018, and October 1, 2019; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Director of Revenue.

Senator Roberts offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Whereas, Missouri was part of the 1803 Louisiana Purchase and became a state in 1821; and

Whereas, the terms of Missouri's statehood included that Missouri would be the only state north of the Mason-Dixon line that was a slave state; and

Whereas, the tensions in the nation regarding racial equality, or lack thereof, have played out in profound ways in the state of Missouri; and

Whereas, St. Louis, being situated on the Mississippi River, was uniquely positioned to be a destination for the slave trade; and

Whereas, tensions of human inequality are profoundly apparent in the history of the state; and

Whereas, when persons with African ancestry in Missouri sued for their freedom, such freedom was routinely granted; and

Whereas, the tension in the nation over the issue of slavery and human inequality resulted in Dred and Harriet Scott, persons with African ancestry, being denied freedom in this state in a decision by the Missouri Supreme Court on March 22, 1852, and such decision was affirmed by the United States Supreme Court on March 6, 1857; and

Whereas, the March 22, 1852, Dred Scott decision is a negative legacy for this state and antithetical to the nation's founding values, specifically the tenet that all men are created equal; and

Whereas, the Dred Scott decision's assertion that people of African ancestry "had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit" was an expression of racism and a precursor to Jim Crow laws, which perpetrated over a century of injustice; and

Whereas, all political power is vested in and derived from the people; and

Whereas, all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole; and

Whereas, all constitutional government is intended to promote the general welfare of all people; and

Whereas, all persons have a natural right to life, liberty, and the pursuit of happiness; and

Whereas, no person shall be deprived of life, liberty, or property without the due process of law; and

Whereas, all human beings are created equal and are entitled to equal rights and opportunity under the law; and

Whereas, Missouri will never again deny legal protection to a class of human beings on the grounds that they are less than human; and

Whereas, it is time to draw a line between Missouri's history, which encompassed such inhumane and unfair treatment to our citizens, and the present and future Missouri, which aims to be a place of equal treatment for all:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby condemn the March 22, 1852, Dred Scott decision issued by the Missouri Supreme Court; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor, the Clerk of the Supreme Court of Missouri, the justices of the Supreme Court of Missouri, and the members of the Missouri congressional delegation.

Senator Burlison offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

Whereas, the Founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, it is the solemn duty of the states to protect the liberty of our people - particularly for the generations to come - to propose amendments to the United States Constitution through a convention of states under Article V to place clear restraints on these and related abuses of power; and

Whereas, the Ninety-ninth General Assembly of Missouri, First Regular Session, adopted Senate Concurrent Resolution 4, which contained an application for an Article V Convention to propose constitutional amendments identical to those proposed in this resolution, but provided that the application would expire five years after the passage of Senate Concurrent Resolution 4:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; and

Be It Further Resolved that the General Assembly adopts this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

(1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to "call" for a convention;

(2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

(3) The power of Congress to "call" a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(5) Congress possesses no power to set the number of delegates to be sent by any states;

(6) Congress possesses no power whatsoever to determine any rules for such convention;

(7) By definition, a Convention of States means that states vote on the basis of one state, one vote;

(8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;

(9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions pursuant to the procedures adopted in this resolution;

(10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;

(12) Missouri places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

Be It Further Resolved that this application hereby repeals, rescinds, cancels, renders null and void, and supercedes the application to the Congress of the United States for a convention under Article V of the Constitution of the United States by this state in Senate Concurrent Resolution No.4 as adopted by the Ninety-ninth General Assembly, First Regular Session; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 381—By Burlison.

An Act to repeal section 537.067, RSMo, and to enact in lieu thereof one new section relating to joint and several liability.

SB 382—By Burlison.

An Act to repeal section 287.200, RSMo, and to enact in lieu thereof one new section relating to permanent total disability benefits payable pursuant to workers' compensation laws.

SB 383—By Moon.

An Act to repeal sections 109.400 and 109.410, RSMo, relating to the preservation of records.

SB 384—By Brown.

An Act to amend chapter 79, RSMo, by adding thereto one new section relating to appointment qualifications for certain municipal boards and commissions.

SB 385—By Brown.

An Act to repeal sections 365.070, 365.100, 365.140, 408.035, 408.100, 408.140, 408.178, 408.234, 408.250, 408.553, and 408.554, RSMo, and to enact in lieu thereof eleven new sections relating to certain financial transactions.

SB 386—By Eslinger.

An Act to repeal section 170.029, RSMo, and to enact in lieu thereof one new section relating to a state plan for career and technical education certificates.

SB 387—By Hough.

An Act to repeal section 304.153, RSMo, and to enact in lieu thereof one new section relating to the towing of commercial vehicles, with existing penalty provisions.

COMMUNICATIONS

Senator Rizzo submitted the following:

January 12, 2021

Adriane Crouse – Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to Senate Rule 12 and in my position as minority floor leader, I hereby make the following appointments to Senate standing committees:

Administration: Senators Rizzo and Williams

Agriculture, Food Production and Outdoor Resources: Senators Beck, Razer and Washington

Appropriations: Senators Arthur, Williams, May and Washington

Commerce, Consumer Protection, Energy and the Environment: Senators May, Beck and Mosley

Economic Development: Senators Rizzo, Schupp and Beck

Education: Senators Schupp, Arthur and Razer

General Laws: Senators Arthur and Razer

Government Accountability and Fiscal Oversight: Senators Rizzo and Roberts

Gubernatorial Appointments: Senators Rizzo, Williams and Mosley

Health and Pensions: Senators Schupp and Washington

Insurance and Banking: Senators Roberts and Mosley

Judiciary and Civil & Criminal Jurisprudence: Senators May and Roberts

Local Government and Elections: Senators Razer and Mosley

Professional Registration: Senators Beck and Washington

Progress and Development: Senator Schupp, Williams and Mosley

Rules, Joint Rules, Resolutions and Ethics: Senators May and Williams

Seniors, Families, Veterans and Military Affairs: Senators Schupp and Roberts

Small Business and Industry: Senators Beck and Washington

Transportation, Infrastructure and Public Safety: Senators Williams and Razer

Ways and Means: Senators Athur and Roberts

If there are any questions about these appointments, please do not hesitate to contact my office.

Sincerely,



John J. Rizzo - Minority Floor Leader

Also,

January 13, 2021

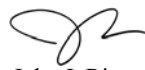
Adriane Crouse - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to Senate Rule 12 and in my capacity as Minority Floor Leader, I hereby appoint Senator Karla May and Senator Brian Williams

to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Sincerely,



John J. Rizzo

Minority Floor Leader

Also,

Senator Beck submitted the following:

January 13, 2021

Ms. Adriane Crouse

Secretary of the Senate

State Capitol Building, Room 325

Jefferson City, MO 65101

Madame Secretary,

Please note my absence with leave beginning Thursday, January 14 until Thursday, January 21, 2021. I appreciate your assistance. Should additional information be necessary, please do not hesitate to contact me.

Sincerely,

/s/Doug Beck

Missouri State Senator

District 1

INTRODUCTION OF GUESTS

Senator Brown introduced to the Senate, Anita Marlay, Camdenton.

Senator Bean introduced to the Senate, Stephen Bubanovich, Van Buren; Alyssa Bubanovich, Van Buren; Cara Bubanovich, Van Buren; and Tom and Janice Bubanovich, West Frankfort, Illinois.

Senator Luetkemeyer introduced to the Senate, Virgil White, III, Parkville; Gregg Roberts, St. Joseph; and Dr. Elizabeth Kennedy.

Senator Schupp introduced to the Senate, Sam Gladney, Olivette.

Senator Riddle introduced to the Senate, Gary Jungermann, Fulton; Dr. Virginia Mennemeyer, Troy; Doyle Justus, Troy.

Senator Burlison introduced to the Senate, Donald McClintoch, Springfield.

Senator Bernskoetter introduced to the Senate, Jill Williams, Eldon.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 14, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Hegeman

SB 2-Hegeman

SB 3-Hegeman	SB 48-Brown
SB 4-Wieland	SB 49-Brown
SB 5-Wieland	SB 50-Brown
SB 6-Wieland	SB 51-Luetkemeyer
SB 7-Riddle	SB 52-Luetkemeyer
SB 8-Riddle	SB 53-Luetkemeyer
SB 9-Riddle	SB 54-O’Laughlin
SB 10-Schatz	SB 55-O’Laughlin
SB 11-Schatz	SB 56-O’Laughlin
SB 12-Onder	SB 57-May
SB 13-Onder	SB 58-May
SB 14-Onder	SB 59-May
SB 15-Schupp	SB 60-Williams
SB 16-Schupp	SB 61-Williams
SB 17-Schupp	SB 62-Williams
SB 18-Hoskins	SB 63-Rehder
SB 19-Hoskins	SB 64-Rehder
SB 20-Hoskins	SB 65-Rehder
SB 21-Koenig	SB 66-Brattin
SB 22-Koenig	SB 67-Brattin
SB 23-Koenig	SB 68-Brattin
SB 24-Eigel	SB 69-Gannon
SB 25-Eigel	SB 70-Gannon
SB 26-Eigel	SB 71-Gannon
SB 27-Crawford	SB 72-Eslinger
SB 28-Crawford	SB 73-Bean
SB 29-Crawford	SB 74-Bean
SB 30-Cierpiot	SB 75-Bean
SB 31-Cierpiot	SB 76-Beck
SB 32-Cierpiot	SB 77-Beck
SB 33-Arthur	SB 78-Beck
SB 34-Arthur	SB 79-Razer
SB 35-Arthur	SB 80-Razer
SB 36-Bernskoetter	SB 81-Razer
SB 37-Bernskoetter	SB 82-Washington
SB 38-Bernskoetter	SB 83-Washington
SB 39-Burlison	SB 84-Washington
SB 40-Burlison	SB 85-Hegeman
SB 41-Burlison	SB 86-Hegeman
SB 42-White	SB 87-Hegeman
SB 43-White	SB 88-Wieland
SB 44-White	SB 89-Wieland
SB 45-Hough	SB 90-Wieland
SB 46-Hough	SB 91-Riddle
SB 47-Hough	SB 92-Riddle

SB 93-Onder	SB 138-Brattin
SB 94-Onder	SB 139-Bean
SB 95-Onder	SB 140-Bean
SB 96-Hoskins	SB 141-Bean
SB 97-Hoskins	SB 142-Beck
SB 98-Hoskins	SB 143-Beck
SB 99-Koenig	SB 144-Beck
SB 100-Koenig	SB 145-Washington
SB 101-Koenig	SB 146-Washington
SB 102-Eigel	SB 147-Washington
SB 103-Eigel	SB 148-Onder
SB 104-Eigel	SB 149-Onder
SB 105-Crawford	SB 150-Onder
SB 106-Crawford	SB 151-Hoskins
SB 107-Crawford	SB 152-Hoskins
SB 108-Cierpiot	SB 153-Koenig
SB 109-Cierpiot	SB 154-Koenig
SB 110-Cierpiot	SB 155-Koenig
SB 111-Arthur	SB 156-Eigel
SB 112-Arthur	SB 157-Eigel
SB 113-Arthur	SB 158-Eigel
SB 114-Bernskoetter	SB 159-Crawford
SB 115-Bernskoetter	SB 160-Crawford
SB 116-Bernskoetter	SB 161-Crawford
SB 117-Burlison	SB 162-Cierpiot
SB 118-Burlison	SB 163-Cierpiot
SB 119-Burlison	SB 164-Cierpiot
SB 120-White	SB 165-Arthur
SB 121-White	SB 166-Arthur
SB 122-White	SB 167-Arthur
SB 123-Hough	SB 168-Burlison
SB 124-Hough	SB 169-Burlison
SB 125-Hough	SB 170-Burlison
SB 126-Brown	SB 171-White
SB 127-Brown	SB 172-White
SB 128-Brown	SB 173-White
SB 129-Luetkemeyer	SB 174-Hough
SB 130-Luetkemeyer	SB 175-Hough
SB 131-Luetkemeyer	SB 176-Hough
SB 132-O'Laughlin	SB 177-Brown
SB 133-O'Laughlin	SB 178-Brown
SB 134-O'Laughlin	SB 179-Luetkemeyer
SB 135-May	SB 180-Luetkemeyer
SB 136-Rehder	SB 181-Luetkemeyer
SB 137-Brattin	SB 182-O'Laughlin

SB 183-O’Laughlin	SB 228-Arthur
SB 184-Bean	SB 229-Arthur
SB 185-Bean	SB 230-Burlison
SB 186-Beck	SB 231-Burlison
SB 187-Beck	SB 232-Burlison
SB 188-Beck	SB 233-White
SB 189-Washington	SB 234-White
SB 190-Washington	SB 235-White
SB 191-Washington	SB 236-Hough
SB 192-Onder	SB 237-Hough
SB 193-Onder	SB 238-Luetkemeyer
SB 194-Onder	SB 239-Luetkemeyer
SB 195-Koenig	SB 240-Luetkemeyer
SB 196-Koenig	SB 241-Beck
SB 197-Koenig	SB 242-Beck
SB 198-Eigel	SB 243-Beck
SB 199-Eigel	SB 244-Onder
SB 200-Eigel	SB 245-Onder
SB 201-Crawford	SB 246-Onder
SB 202-Cierpiot	SB 247-Arthur
SB 203-Cierpiot	SB 248-Arthur
SB 204-Cierpiot	SB 249-Burlison
SB 205-Arthur	SB 250-Burlison
SB 206-Arthur	SB 251-Onder
SB 207-Arthur	SB 252-Onder
SB 208-Burlison	SB 253-Hegeman
SB 209-Burlison	SB 254-Riddle
SB 210-Burlison	SB 255-Riddle
SB 211-White	SB 256-Rowden
SB 212-White	SB 257-Burlison
SB 213-White	SB 258-White
SB 214-Hough	SB 259-O’Laughlin
SB 215-Hough	SB 260-O’Laughlin
SRB 216-Hough	SB 261-Williams
SB 217-Luetkemeyer	SB 262-Schatz
SB 218-Luetkemeyer	SB 263-Crawford
SB 219-Luetkemeyer	SB 264-Arthur
SB 220-Beck	SB 265-Eslinger
SB 221-Beck	SB 266-Mosley
SB 222-Beck	SB 267-Mosley
SB 223-Onder	SB 268-Mosley
SB 224-Onder	SB 269-Mosley
SB 225-Onder	SB 270-Mosley
SB 226-Koenig	SB 271-Mosley
SB 227-Arthur	SB 272-Mosley

SB 273-Mosley	SB 318-May
SB 274-Mosley	SB 319-May
SB 275-Mosley	SB 320-Roberts
SB 276-Mosley	SB 321-Roberts
SB 277-Mosley	SB 322-Roberts
SB 278-Mosley	SB 323-May
SB 279-Mosley	SB 324-Hegeman
SB 280-Cierpiot	SB 325-Hegeman
SB 281-Brown	SB 326-Beck
SB 282-Hegeman	SB 327-Koenig
SB 283-Hoskins	SB 328-Rowden
SB 284-Crawford	SB 329-Rowden
SB 285-Arthur	SB 330-Burlison
SB 286-Hough	SB 331-Burlison
SB 287-Crawford	SB 332-Burlison
SB 288-Eigel	SB 333-Burlison
SB 289-Brown	SB 334-Bernskoetter
SB 290-Hegeman	SB 335-Brattin
SB 291-Brown	SB 336-Brattin
SB 292-Schupp	SB 337-Riddle
SB 293-Hoskins	SB 338-Luetkemeyer
SB 294-Hoskins	SB 339-Luetkemeyer
SB 295-Crawford	SB 340-White
SB 296-Brattin	SB 341-White
SB 297-Roberts	SB 342-White
SB 298-Arthur	SB 343-Brown
SB 299-Bernskoetter	SB 344-Brown
SB 300-Bernskoetter	SB 345-Brown
SB 301-Bernskoetter	SB 346-O'Laughlin
SB 302-Gannon	SB 347-O'Laughlin
SB 303-Gannon	SB 348-O'Laughlin
SB 304-Eslinger	SB 349-Roberts
SB 305-Roberts	SB 350-White
SB 306-Bernskoetter	SB 351-Koenig
SB 307-Brown	SB 352-Koenig
SB 308-Koenig	SB 353-Moon
SB 309-Hegeman	SB 354-Hoskins
SB 310-Crawford	SB 355-Hoskins
SB 311-Roberts	SB 356-May
SB 312-Roberts	SB 357-Washington
SB 313-Eigel	SB 358-Arthur
SB 314-Hough	SB 359-Wieland
SB 315-Hough	SB 360-Wieland
SB 316-Hough	SB 361-Wieland
SB 317-May	SB 362-Wieland

SB 363-Mosley
SB 364-Mosley
SB 365-Wieland
SB 366-Wieland
SB 367-Hoskins
SB 368-Arthur
SB 369-White
SB 370-Brown
SB 371-Rizzo
SB 372-Riddle
SB 373-Bean
SB 374-Luetkemeyer
SB 375-Eigel
SB 376-Hegeman
SB 377-Eslinger
SB 378-Onder
SB 379-O’Laughlin
SB 380-Moon
SB 381-Burlison
SB 382-Burlison
SB 383-Moon
SB 384-Brown
SB 385-Brown
SB 386-Eslinger

SB 387-Hough
SJR 1-Hegeman
SJR 2-Onder
SJR 3-Hoskins
SJR 4-Koenig
SJR 5-Eigel
SJR 6-Eigel
SJR 7-Eigel
SJR 8-Cierpiot
SJR 9-Cierpiot
SJR 10-Cierpiot
SJR 11-Burlison
SJR 12-Luetkemeyer
SJR 13-Brattin
SJR 14-Brattin
SJR 15-Eslinger
SJR 16-Eslinger
SJR 17-Washington
SJR 18-Eigel
SJR 19-Cierpiot
SJR 20-Cierpiot
SJR 21-Schatz
SJR 22-Mosley
SJR 23-Roberts

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 2-Moon
SCR 3-Roberts
SCR 4-Burlison

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Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 14, 2021

The Senate met pursuant to adjournment.

Senator Crawford in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I give thanks, O Lord, with my whole heart.” (Psalm 138:1a)

Good and gracious God, we bring this first full week to a close making us mindful of all that is yet ahead of us. We are thankful that we have made good use of this time together and pray that it has pleased You, hoping it is having been according to Your will for us. Watch our “going out and coming in” this day as we travel to be with our loved ones. Bless those You have given us to love and guide our time together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Koenig	Luetkemeyer	May
Moon	Mosley	O’Laughlin	Rehder	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

Absent—Senators—None

Absent with leave—Senators

Beck	Eigel	Hoskins	Hough	Onder	Razer	Riddle—7
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Vacancies—None

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 23, regarding Lucinda A. Borgmeyer, Jefferson City, which was adopted.

Senator Washington offered Senate Resolution No. 24, regarding William Jason Yeokum, Jr., Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 388—By Burlison.

An Act to repeal section 226.525, RSMo, and to enact in lieu thereof one new section relating to highway signs.

SB 389—By Hegeman.

An Act to repeal section 514.060, RSMo, and to enact in lieu thereof one new section relating to the recovery of attorney's fees in civil actions.

SB 390—By Luetkemeyer.

An Act to repeal section 178.890, RSMo, and to enact in lieu thereof one new section relating to the boundaries of certain community college districts.

SB 391—By Moon.

An Act to repeal sections 1.205, 170.015, 188.010, 188.015, 188.017, 188.018, 188.020, 188.021, 188.023, 188.025, 188.026, 188.027, 188.028, 188.030, 188.031, 188.033, 188.035, 188.036, 188.038, 188.039, 188.043, 188.044, 188.047, 188.052, 188.055, 188.056, 188.057, 188.058, 188.060, 188.065, 188.070, 188.075, 188.080, 188.100, 188.105, 188.110, 188.115, 188.120, 188.125, 188.160, 188.200, 188.205, 188.210, 188.215, 188.220, 188.230, 188.250, 188.325, 188.335, 188.375, 191.211, 191.320, 191.724, 191.831, 191.923, 191.975, 192.665, 192.667, 194.390, 196.1127, 197.150, 197.152, 197.158, 197.160, 197.162, 197.165, 197.200, 197.205, 197.215, 197.220, 197.225, 197.230, 197.235, 197.240, 197.285, 197.287, 197.289, 197.293, 197.295, 197.315, 208.655, 334.100, 334.245, 376.805, 376.1199, 556.061, 562.031, 562.071, 563.026, 565.300, 574.200, 595.027, and 595.120, RSMo, and to enact in lieu thereof forty-five new sections relating to abortion, with penalty provisions and an emergency clause.

SB 392—By Moon.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to the display of certain items in public schools.

SB 393—By Moon.

An Act to repeal section 143.071, RSMo, and to enact in lieu thereof one new section relating to corporate income tax.

SB 394—By Moon.

An Act to repeal sections 12.010, 12.025, 12.027, 12.030, and 12.050, RSMo, and to enact in lieu thereof four new sections relating to the acquisition of land by the United States government.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Stephen J. Parshall, Independent, as a member of the Missouri Housing Development Commission;

Also,

Gregg A. Roberts, Virgil L. White, III, Gary Jungermann and Jill Williams, as members of the Missouri Workforce Development Board;

Also,

Jennifer Williams Tinnel and Virginia A. Mennemeyer, as members of the Missouri Dental Board;

Also,

Stephen A. Bubanovich, as a member of the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects;

Also,

Shawn G. Foster, Independent, as a member of the Jackson County Sports Complex Authority;

Also,

Sam Gladney, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

Anita Marlay, Republican, as a member of the State Committee of Dietitians;

Also,

Daniel B. Oerther, Republican, as a member of the Hazardous Waste Management Commission; and

Shanda D. Trautman, Democrat, as a member of the State Technical College of Missouri Board of Regents.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

REFERRALS

President Pro Tem Schatz referred **SCR 2** and **SCR 3** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

**SENATE HEARING SCHEDULE
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 14, 2021**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Transportation, Infrastructure & Public Safety SCR 1 (Brown) Small Business & Industry SL (Burlison) Appropriations SCR 2 (Hegeman)	Commerce, Consumer Protection, Energy & the Environment SL (Cierpiot) Appropriations SCR 2 (Hegeman) Progress and Development SCR 1 (Schupp)	Ways & Means SL (Koenig) Governmental Accountability & Fiscal Oversight SCR 1 (Hough)
9:00 a.m.		Rules, Joint Rules, Resolutions and Ethics SL (Rowden)		
10:30 a.m.		General Laws SCR 1 (Eigel) Economic Development SL (Hoskins) Appropriations SCR 2 (Hegeman)	Gubernatorial Appointments SL (Schatz) Seniors, Families, Veterans & Military Affairs SCR 1 (White) Appropriations SCR 2 (Hegeman)	
12:00 p.m.		Insurance & Banking SCR 1 (Wieland) Education SL (O'Laughlin) Appropriations SCR 2 (Hegeman)	Local Government & Elections SCR 1 (Crawford) Health and Pensions SL (Onder)	
1:00 p.m.				
2:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SCR 1 (Luetkemeyer) Professional Registration SL (Riddle) Agriculture, Food Production and Outdoor Resources SCR 2 (Bernskoetter)			

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 4—Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1—Appropriations.

SB 2—Seniors, Families, Veterans & Military Affairs.

SB 3—Judiciary and Civil and Criminal Jurisprudence.

SB 4—Insurance and Banking.

SB 5—Economic Development.

SB 6—Insurance and Banking.

SB 7—Government Accountability & Fiscal Oversight.

SB 8—Professional Registration.

SB 9—Professional Registration.

SB 10—Government Accountability & Fiscal Oversight.

SB 11—Professional Registration.

SB 12—Health and Pensions.

SB 13—Health and Pensions.

SB 14—Local Government and Elections.

SB 15—Transportation, Infrastructure and Public Safety.

SB 16—Small Business and Industry.

SB 17—Local Government and Elections.

SB 18—Appropriations.

SB 19—Appropriations.

SB 20—Health and Pensions.

SB 21—Health and Pensions.

SB 22—Ways and Means.

SB 23—Education.

SB 24—Ways and Means.

SB 25—Education.

- SB 26**—General Laws.
- SB 27**—Local Government and Elections.
- SB 28**—Insurance and Banking.
- SB 29**—Insurance and Banking.
- SB 30**—Education.
- SB 31**—Health and Pensions.
- SB 32**—Transportation, Infrastructure and Public Safety.
- SB 33**—Education.
- SB 34**—Education.
- SB 35**—Education.
- SB 36**—Economic Development.
- SB 37**—Agriculture, Food Production and Outdoor Resources.
- SB 38**—Transportation, Infrastructure and Public Safety.
- SB 39**—General Laws.
- SB 40**—Agriculture, Food Production and Outdoor Resources.
- SB 41**—Health and Pensions.
- SB 42**—Judiciary and Civil and Criminal Jurisprudence.
- SB 43**—Health and Pensions.
- SB 44**—Commerce, Consumer Protection, Energy and the Environment.
- SB 45**—Insurance and Banking.
- SB 46**—Transportation, Infrastructure and Public Safety.
- SB 47**—Local Government and Elections.
- SB 48**—Ways and Means.
- SB 49**—Transportation, Infrastructure and Public Safety.
- SB 50**—Judiciary and Civil and Criminal Jurisprudence.
- SB 51**—Judiciary and Civil and Criminal Jurisprudence.
- SB 52**—Judiciary and Civil and Criminal Jurisprudence.
- SB 53**—Judiciary and Civil and Criminal Jurisprudence.
- SB 54**—Education.
- SB 55**—Education.

SB 56—Health and Pensions.

SB 57—Economic Development.

SB 58—Local Government and Elections.

SB 59—Small Business and Industry.

SB 60—Judiciary and Civil and Criminal Jurisprudence.

SB 61—Judiciary and Civil and Criminal Jurisprudence.

SB 62—Local Government and Elections.

SB 63—Government Accountability & Fiscal Oversight.

SB 64—General Laws.

SB 65—Health and Pensions.

SB 66—Judiciary and Civil and Criminal Jurisprudence.

SB 67—Health and Pensions.

SB 68—Health and Pensions.

SB 69—Local Government and Elections.

SB 70—Commerce, Consumer Protection, Energy and the Environment.

SB 71—Agriculture, Food Production and Outdoor Resources.

SB 72—Agriculture, Food Production and Outdoor Resources.

SB 73—General Laws.

SB 74—Transportation, Infrastructure and Public Safety.

SB 75—Judiciary and Civil and Criminal Jurisprudence.

SB 76—Education.

SB 77—Small Business and Industry.

SB 78—Seniors, Families, Veterans & Military Affairs.

SB 79—Health and Pensions.

SB 80—Insurance and Banking.

SB 81—Small Business and Industry.

SB 82—Ways and Means.

SB 83—Education.

SB 84—Ways and Means.

INTRODUCTION OF GUESTS

Senator Schupp introduced to the Senate, her mother, Joan Seltzer, St. Louis, on the occasion of her Ninetieth Birthday.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Tuesday, January 19, 2021.

SENATE CALENDAR

SEVENTH DAY—TUESDAY, JANUARY 19, 2021

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 85-Hegeman	SB 107-Crawford
SB 86-Hegeman	SB 108-Cierpiot
SB 87-Hegeman	SB 109-Cierpiot
SB 88-Wieland	SB 110-Cierpiot
SB 89-Wieland	SB 111-Arthur
SB 90-Wieland	SB 112-Arthur
SB 91-Riddle	SB 113-Arthur
SB 92-Riddle	SB 114-Bernskoetter
SB 93-Onder	SB 115-Bernskoetter
SB 94-Onder	SB 116-Bernskoetter
SB 95-Onder	SB 117-Burlison
SB 96-Hoskins	SB 118-Burlison
SB 97-Hoskins	SB 119-Burlison
SB 98-Hoskins	SB 120-White
SB 99-Koenig	SB 121-White
SB 100-Koenig	SB 122-White
SB 101-Koenig	SB 123-Hough
SB 102-Eigel	SB 124-Hough
SB 103-Eigel	SB 125-Hough
SB 104-Eigel	SB 126-Brown
SB 105-Crawford	SB 127-Brown
SB 106-Crawford	SB 128-Brown

SB 129-Luetkemeyer	SB 166-Arthur
SB 130-Luetkemeyer	SB 167-Arthur
SB 131-Luetkemeyer	SB 168-Burlison
SB 132-O’Laughlin	SB 169-Burlison
SB 133-O’Laughlin	SB 170-Burlison
SB 134-O’Laughlin	SB 171-White
SB 135-May	SB 172-White
SB 136-Rehder	SB 173-White
SB 137-Brattin	SB 174-Hough
SB 138-Brattin	SB 175-Hough
SB 139-Bean	SB 176-Hough
SB 140-Bean	SB 177-Brown
SB 141-Bean	SB 178-Brown
SB 142-Beck	SB 179-Luetkemeyer
SB 143-Beck	SB 180-Luetkemeyer
SB 144-Beck	SB 181-Luetkemeyer
SB 145-Washington	SB 182-O’Laughlin
SB 146-Washington	SB 183-O’Laughlin
SB 147-Washington	SB 184-Bean
SB 148-Onder	SB 185-Bean
SB 149-Onder	SB 186-Beck
SB 150-Onder	SB 187-Beck
SB 151-Hoskins	SB 188-Beck
SB 152-Hoskins	SB 189-Washington
SB 153-Koenig	SB 190-Washington
SB 154-Koenig	SB 191-Washington
SB 155-Koenig	SB 192-Onder
SB 156-Eigel	SB 193-Onder
SB 157-Eigel	SB 194-Onder
SB 158-Eigel	SB 195-Koenig
SB 159-Crawford	SB 196-Koenig
SB 160-Crawford	SB 197-Koenig
SB 161-Crawford	SB 198-Eigel
SB 162-Cierpiot	SB 199-Eigel
SB 163-Cierpiot	SB 200-Eigel
SB 164-Cierpiot	SB 201-Crawford
SB 165-Arthur	SB 202-Cierpiot

SB 203-Cierpiot	SB 240-Luetkemeyer
SB 204-Cierpiot	SB 241-Beck
SB 205-Arthur	SB 242-Beck
SB 206-Arthur	SB 243-Beck
SB 207-Arthur	SB 244-Onder
SB 208-Burlison	SB 245-Onder
SB 209-Burlison	SB 246-Onder
SB 210-Burlison	SB 247-Arthur
SB 211-White	SB 248-Arthur
SB 212-White	SB 249-Burlison
SB 213-White	SB 250-Burlison
SB 214-Hough	SB 251-Onder
SB 215-Hough	SB 252-Onder
SRB 216-Hough	SB 253-Hegeman
SB 217-Luetkemeyer	SB 254-Riddle
SB 218-Luetkemeyer	SB 255-Riddle
SB 219-Luetkemeyer	SB 256-Rowden
SB 220-Beck	SB 257-Burlison
SB 221-Beck	SB 258-White
SB 222-Beck	SB 259-O’Laughlin
SB 223-Onder	SB 260-O’Laughlin
SB 224-Onder	SB 261-Williams
SB 225-Onder	SB 262-Schatz
SB 226-Koenig	SB 263-Crawford
SB 227-Arthur	SB 264-Arthur
SB 228-Arthur	SB 265-Eslinger
SB 229-Arthur	SB 266-Mosley
SB 230-Burlison	SB 267-Mosley
SB 231-Burlison	SB 268-Mosley
SB 232-Burlison	SB 269-Mosley
SB 233-White	SB 270-Mosley
SB 234-White	SB 271-Mosley
SB 235-White	SB 272-Mosley
SB 236-Hough	SB 273-Mosley
SB 237-Hough	SB 274-Mosley
SB 238-Luetkemeyer	SB 275-Mosley
SB 239-Luetkemeyer	SB 276-Mosley

SB 277-Mosley	SB 315-Hough
SB 278-Mosley	SB 316-Hough
SB 279-Mosley	SB 317-May
SB 280-Cierpiot	SB 318-May
SB 281-Brown	SB 319-May
SB 282-Hegeman	SB 320-Roberts
SB 283-Hoskins	SB 321-Roberts
SB 284-Crawford	SB 322-Roberts
SB 285-Arthur	SB 323-May
SB 286-Hough	SB 324-Hegeman
SB 287-Crawford	SB 325-Hegeman
SB 288-Eigel	SB 326-Beck
SB 289-Brown	SB 327-Koenig
SB 290-Hegeman	SB 328-Rowden
SB 291-Brown	SB 329-Rowden
SB 292-Schupp	SB 330-Burlison
SB 293-Hoskins	SB 331-Burlison
SB 294-Hoskins	SB 332-Burlison
SB 295-Crawford	SB 333-Burlison
SB 296-Brattin	SB 334-Bernskoetter
SB 297-Roberts	SB 335-Brattin
SB 298-Arthur	SB 336-Brattin
SB 299-Bernskoetter	SB 337-Riddle
SB 300-Bernskoetter	SB 338-Luetkemeyer
SB 301-Bernskoetter	SB 339-Luetkemeyer
SB 302-Gannon	SB 340-White
SB 303-Gannon	SB 341-White
SB 304-Eslinger	SB 342-White
SB 305-Roberts	SB 343-Brown
SB 306-Bernskoetter	SB 344-Brown
SB 307-Brown	SB 345-Brown
SB 308-Koenig	SB 346-O'Laughlin
SB 309-Hegeman	SB 347-O'Laughlin
SB 310-Crawford	SB 348-O'Laughlin
SB 311-Roberts	SB 349-Roberts
SB 312-Roberts	SB 350-White
SB 313-Eigel	SB 351-Koenig
SB 314-Hough	SB 352-Koenig

SB 353-Moon
SB 354-Hoskins
SB 355-Hoskins
SB 356-May
SB 357-Washington
SB 358-Arthur
SB 359-Wieland
SB 360-Wieland
SB 361-Wieland
SB 362-Wieland
SB 363-Mosley
SB 364-Mosley
SB 365-Wieland
SB 366-Wieland
SB 367-Hoskins
SB 368-Arthur
SB 369-White
SB 370-Brown
SB 371-Rizzo
SB 372-Riddle
SB 373-Bean
SB 374-Luetkemeyer
SB 375-Eigel
SB 376-Hegeman
SB 377-Eslinger
SB 378-Onder
SB 379-O’Laughlin
SB 380-Moon
SB 381-Burlison
SB 382-Burlison
SB 383-Moon
SB 384-Brown
SB 385-Brown

SB 386-Eslinger
SB 387-Hough
SB 388-Burlison
SB 389-Hegeman
SB 390-Luetkemeyer
SB 391-Moon
SB 392-Moon
SB 393-Moon
SB 394-Moon
SJR 1-Hegeman
SJR 2-Onder
SJR 3-Hoskins
SJR 4-Koenig
SJR 5-Eigel
SJR 6-Eigel
SJR 7-Eigel
SJR 8-Cierpiot
SJR 9-Cierpiot
SJR 10-Cierpiot
SJR 11-Burlison
SJR 12-Luetkemeyer
SJR 13-Brattin
SJR 14-Brattin
SJR 15-Eslinger
SJR 16-Eslinger
SJR 17-Washington
SJR 18-Eigel
SJR 19-Cierpiot
SJR 20-Cierpiot
SJR 21-Schatz
SJR 22-Mosley
SJR 23-Roberts

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 19, 2021

The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

The Reverend Carl Gauck offered the following prayer:

“You trace my journeys and my resting-places and are acquainted with all my ways.” (Psalm 139:3)

Gracious God, we give You thanks for our safe travel here and knowing You are our God. We rejoice in remembering Martin Luther King’s day and for all he tried to teach us and help many of us to be more tolerant and understanding of the differences between people. As we begin a new week, we are mindful of our responsibilities and seek Your help to do what You expect of us. Grant us wisdom and guidance to know what we must be about. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 14, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Rehder	Rizzo	Roberts	Rowden	Schatz	Washington	White
Wieland	Williams—30					

Absent—Senators—None

Absent with leave—Senators

Hough	Razer	Riddle	Schupp—4
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Vacancies—None

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 25, regarding Nancy Gratz, Wardsville, which was adopted.

On behalf of Senator Riddle, Senator Rowden offered Senate Resolution No. 26, regarding Hubert “Hubie” Kluesner, Marthasville, which was adopted.

Senator Hegeman offered Senate Resolution No. 27, regarding Anna Milazzo, Galt, which was adopted.

Senator Roberts offered Senate Resolution No. 28, regarding the death of Delores Talley Roberts, St. Louis, which was adopted.

Senator Crawford offered Senate Resolution No. 29, regarding Avery Schiereck, El Dorado Springs, which was adopted.

CONCURRENT RESOLUTIONS

Senator Eigel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, ...with greater reason, a body of men are unfit to be both judges and parties at the same time”; and

Whereas, this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers”; and

Whereas, the Congress has latent but neglected powers to correct such judicial supremacy by means of Article III Section 2 regulations on appellate jurisdiction, yet by similar reasoning such regulatory powers should be additionally extended to the several states, heeding Jefferson’s warnings that we not make the Constitution “a mere thing of wax in the hands of the judiciary” for “to consider the judges as the ultimate arbiters of all constitutional questions” would then “place us under the despotism of an oligarchy”, rather “the people themselves” are the “true corrective of constitutional abuses” and the states remain the closest and most representative voice of the people; and

Whereas, the United States Constitution should then be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and those of the several states, and better prevent the denial or disparagement of the rights retained by the people:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly urge the Congress of the United States to propose the following amendment, known as the State Powers Amendment, or SPA:

“Section 1. Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a Representative Majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A Representative Majority of the several states is a majority of the states also having together a majority of the apportioned Representatives in Congress.

Section 2. The several states shall have power to make regulations and exceptions to the appellate jurisdiction of the Supreme Court and all inferior courts and tribunals of the United States, and such regulations and exceptions shall be effective when the legislatures of a Representative Majority of the several states approve identical resolutions for this purpose no more than five years apart.”; and

Be It Further Resolved that should the Congress fail to act after two-thirds of the several states petition alike in substance for a State Powers Amendment, then a “convention to propose amendments” under Article V of the United States Constitution shall be the proper course and that delegates to such convention should be selected by the legislatures in the several states and should vote by state, according to the practices established by the 1787 Federal Convention in Philadelphia; and

Be It Further Resolved that the state of Missouri reserves its further right to petition in the same manner for further amendments as the General Assembly may deem warranted; and

Be It Further Resolved that copies of this resolution be forwarded to the legislatures of all the several states inviting them to likewise join in support of this petition; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 395—By Brattin.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to inmate charges for medical treatment at correctional facilities.

SB 396—By Brattin.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to historic cemeteries.

SB 397—By Rehder.

An Act to repeal section 174.453, RSMo, and to enact in lieu thereof two new sections relating to statewide missions of institutions of higher education.

SB 398—By Eigel.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to prohibited uses of public funds.

SB 399—By Eigel.

An Act to repeal sections 116.155 and 116.190, RSMo, and to enact in lieu thereof two new sections relating to ballot titles for proposed ballot measures prepared by the general assembly.

SB 400—By Onder.

An Act to repeal section 161.092, RSMo, and to enact in lieu thereof two new sections relating to the accreditation of public schools and school districts.

SB 401—By Onder.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to payments for health care services.

SB 402—By Onder.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to forfeiture by wrongdoing.

SB 403—By Onder.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to health care.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 20, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 85-Hegeman	SB 115-Bernskoetter
SB 86-Hegeman	SB 116-Bernskoetter
SB 87-Hegeman	SB 117-Burlison
SB 88-Wieland	SB 118-Burlison
SB 89-Wieland	SB 119-Burlison
SB 90-Wieland	SB 120-White
SB 91-Riddle	SB 121-White
SB 92-Riddle	SB 122-White
SB 93-Onder	SB 123-Hough
SB 94-Onder	SB 124-Hough
SB 95-Onder	SB 125-Hough
SB 96-Hoskins	SB 126-Brown
SB 97-Hoskins	SB 127-Brown
SB 98-Hoskins	SB 128-Brown
SB 99-Koenig	SB 129-Luetkemeyer
SB 100-Koenig	SB 130-Luetkemeyer
SB 101-Koenig	SB 131-Luetkemeyer
SB 102-Eigel	SB 132-O’Laughlin
SB 103-Eigel	SB 133-O’Laughlin
SB 104-Eigel	SB 134-O’Laughlin
SB 105-Crawford	SB 135-May
SB 106-Crawford	SB 136-Rehder
SB 107-Crawford	SB 137-Brattin
SB 108-Cierpiot	SB 138-Brattin
SB 109-Cierpiot	SB 139-Bean
SB 110-Cierpiot	SB 140-Bean
SB 111-Arthur	SB 141-Bean
SB 112-Arthur	SB 142-Beck
SB 113-Arthur	SB 143-Beck
SB 114-Bernskoetter	SB 144-Beck

SB 145-Washington	SB 185-Bean
SB 146-Washington	SB 186-Beck
SB 147-Washington	SB 187-Beck
SB 148-Onder	SB 188-Beck
SB 149-Onder	SB 189-Washington
SB 150-Onder	SB 190-Washington
SB 151-Hoskins	SB 191-Washington
SB 152-Hoskins	SB 192-Onder
SB 153-Koenig	SB 193-Onder
SB 154-Koenig	SB 194-Onder
SB 155-Koenig	SB 195-Koenig
SB 156-Eigel	SB 196-Koenig
SB 157-Eigel	SB 197-Koenig
SB 158-Eigel	SB 198-Eigel
SB 159-Crawford	SB 199-Eigel
SB 160-Crawford	SB 200-Eigel
SB 161-Crawford	SB 201-Crawford
SB 162-Cierpiot	SB 202-Cierpiot
SB 163-Cierpiot	SB 203-Cierpiot
SB 164-Cierpiot	SB 204-Cierpiot
SB 165-Arthur	SB 205-Arthur
SB 166-Arthur	SB 206-Arthur
SB 167-Arthur	SB 207-Arthur
SB 168-Burlison	SB 208-Burlison
SB 169-Burlison	SB 209-Burlison
SB 170-Burlison	SB 210-Burlison
SB 171-White	SB 211-White
SB 172-White	SB 212-White
SB 173-White	SB 213-White
SB 174-Hough	SB 214-Hough
SB 175-Hough	SB 215-Hough
SB 176-Hough	SRB 216-Hough
SB 177-Brown	SB 217-Luetkemeyer
SB 178-Brown	SB 218-Luetkemeyer
SB 179-Luetkemeyer	SB 219-Luetkemeyer
SB 180-Luetkemeyer	SB 220-Beck
SB 181-Luetkemeyer	SB 221-Beck
SB 182-O'Laughlin	SB 222-Beck
SB 183-O'Laughlin	SB 223-Onder
SB 184-Bean	SB 224-Onder

SB 225-Onder	SB 265-Eslinger
SB 226-Koenig	SB 266-Mosley
SB 227-Arthur	SB 267-Mosley
SB 228-Arthur	SB 268-Mosley
SB 229-Arthur	SB 269-Mosley
SB 230-Burlison	SB 270-Mosley
SB 231-Burlison	SB 271-Mosley
SB 232-Burlison	SB 272-Mosley
SB 233-White	SB 273-Mosley
SB 234-White	SB 274-Mosley
SB 235-White	SB 275-Mosley
SB 236-Hough	SB 276-Mosley
SB 237-Hough	SB 277-Mosley
SB 238-Luetkemeyer	SB 278-Mosley
SB 239-Luetkemeyer	SB 279-Mosley
SB 240-Luetkemeyer	SB 280-Cierpiot
SB 241-Beck	SB 281-Brown
SB 242-Beck	SB 282-Hegeman
SB 243-Beck	SB 283-Hoskins
SB 244-Onder	SB 284-Crawford
SB 245-Onder	SB 285-Arthur
SB 246-Onder	SB 286-Hough
SB 247-Arthur	SB 287-Crawford
SB 248-Arthur	SB 288-Eigel
SB 249-Burlison	SB 289-Brown
SB 250-Burlison	SB 290-Hegeman
SB 251-Onder	SB 291-Brown
SB 252-Onder	SB 292-Schupp
SB 253-Hegeman	SB 293-Hoskins
SB 254-Riddle	SB 294-Hoskins
SB 255-Riddle	SB 295-Crawford
SB 256-Rowden	SB 296-Brattin
SB 257-Burlison	SB 297-Roberts
SB 258-White	SB 298-Arthur
SB 259-O’Laughlin	SB 299-Bernskoetter
SB 260-O’Laughlin	SB 300-Bernskoetter
SB 261-Williams	SB 301-Bernskoetter
SB 262-Schatz	SB 302-Gannon
SB 263-Crawford	SB 303-Gannon
SB 264-Arthur	SB 304-Eslinger

SB 305-Roberts	SB 345-Brown
SB 306-Bernskoetter	SB 346-O'Laughlin
SB 307-Brown	SB 347-O'Laughlin
SB 308-Koenig	SB 348-O'Laughlin
SB 309-Hegeman	SB 349-Roberts
SB 310-Crawford	SB 350-White
SB 311-Roberts	SB 351-Koenig
SB 312-Roberts	SB 352-Koenig
SB 313-Eigel	SB 353-Moon
SB 314-Hough	SB 354-Hoskins
SB 315-Hough	SB 355-Hoskins
SB 316-Hough	SB 356-May
SB 317-May	SB 357-Washington
SB 318-May	SB 358-Arthur
SB 319-May	SB 359-Wieland
SB 320-Roberts	SB 360-Wieland
SB 321-Roberts	SB 361-Wieland
SB 322-Roberts	SB 362-Wieland
SB 323-May	SB 363-Mosley
SB 324-Hegeman	SB 364-Mosley
SB 325-Hegeman	SB 365-Wieland
SB 326-Beck	SB 366-Wieland
SB 327-Koenig	SB 367-Hoskins
SB 328-Rowden	SB 368-Arthur
SB 329-Rowden	SB 369-White
SB 330-Burlison	SB 370-Brown
SB 331-Burlison	SB 371-Rizzo
SB 332-Burlison	SB 372-Riddle
SB 333-Burlison	SB 373-Bean
SB 334-Bernskoetter	SB 374-Luetkemeyer
SB 335-Brattin	SB 375-Eigel
SB 336-Brattin	SB 376-Hegeman
SB 337-Riddle	SB 377-Eslinger
SB 338-Luetkemeyer	SB 378-Onder
SB 339-Luetkemeyer	SB 379-O'Laughlin
SB 340-White	SB 380-Moon
SB 341-White	SB 381-Burlison
SB 342-White	SB 382-Burlison
SB 343-Brown	SB 383-Moon
SB 344-Brown	SB 384-Brown

SB 385-Brown	SJR 3-Hoskins
SB 386-Eslinger	SJR 4-Koenig
SB 387-Hough	SJR 5-Eigel
SB 388-Burlison	SJR 6-Eigel
SB 389-Hegeman	SJR 7-Eigel
SB 390-Luetkemeyer	SJR 8-Cierpiot
SB 391-Moon	SJR 9-Cierpiot
SB 392-Moon	SJR 10-Cierpiot
SB 393-Moon	SJR 11-Burlison
SB 394-Moon	SJR 12-Luetkemeyer
SB 395-Brattin	SJR 13-Brattin
SB 396-Brattin	SJR 14-Brattin
SB 397-Rehder	SJR 15-Eslinger
SB 398-Eigel	SJR 16-Eslinger
SB 399-Eigel	SJR 17-Washington
SB 400-Onder	SJR 18-Eigel
SB 401-Onder	SJR 19-Cierpiot
SB 402-Onder	SJR 20-Cierpiot
SB 403-Onder	SJR 21-Schatz
SJR 1-Hegeman	SJR 22-Mosley
SJR 2-Onder	SJR 23-Roberts

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 5-Eigel

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Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY—WEDNESDAY, JANUARY 20, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I will thank you because I am marvelously made; your works are wonderful, and I know it well.” (Psalm 139:14)

Heavenly Father, as we look about us, we see an increasing number of people stricken with the covid virus and we are most thankful for our good health and being marvelously created so we can deal with illnesses. We pray for those fighting for their lives during this pandemic time and ask that you will give what is needed to those who continue the production of the vaccine and that it will be administered quickly and put an end to this pandemic. And on this inaugural day we pray for our country and the new administration who are to guide us and we pray that our nation will heal in all the ways it must to be the people You want us to be. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Schupp—1

Vacancies—None

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 404—By Riddle.

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to court costs.

SB 405—By Luetkemeyer.

An Act to repeal section 143.171, RSMo, and to enact in lieu thereof one new section relating to an income tax deduction for federal taxes paid.

SB 406—By Cierpiot.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to customer class rates of electrical corporations.

SB 407—By Beck.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage rate.

SB 408—By Wieland.

An Act to repeal section 447.541, RSMo, and to enact in lieu thereof one new section relating to legal notices.

SJR 24—By Luetkemeyer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, by adding thereto one new section relating to the limitation of terms served by certain elected officials.

REFERRALS

President Pro Tem Schatz referred **SCR 5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF GUESTS

Senator White introduced to the Senate, Chad Greer, Joplin.

Senator Eslinger introduced to the Senate, Dr. Ann Rost; her husband, Alan Rost; and her son, Max Rost, Marshfield.

Senator Burlison introduced to the Senate, Dr. Gabriel Cline and his wife, Cheryl Cline, Battlefield.

Senator Riddle introduced to the Senate, Adam Nanney and his wife, Erica Nanney, Holts Summit.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY—THURSDAY, JANUARY 21, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 85-Hegeman	SB 115-Bernskoetter
SB 86-Hegeman	SB 116-Bernskoetter
SB 87-Hegeman	SB 117-Burlison
SB 88-Wieland	SB 118-Burlison
SB 89-Wieland	SB 119-Burlison
SB 90-Wieland	SB 120-White
SB 91-Riddle	SB 121-White
SB 92-Riddle	SB 122-White
SB 93-Onder	SB 123-Hough
SB 94-Onder	SB 124-Hough
SB 95-Onder	SB 125-Hough
SB 96-Hoskins	SB 126-Brown
SB 97-Hoskins	SB 127-Brown
SB 98-Hoskins	SB 128-Brown
SB 99-Koenig	SB 129-Luetkemeyer
SB 100-Koenig	SB 130-Luetkemeyer
SB 101-Koenig	SB 131-Luetkemeyer
SB 102-Eigel	SB 132-O’Laughlin
SB 103-Eigel	SB 133-O’Laughlin
SB 104-Eigel	SB 134-O’Laughlin
SB 105-Crawford	SB 135-May
SB 106-Crawford	SB 136-Rehder
SB 107-Crawford	SB 137-Brattin
SB 108-Cierpiot	SB 138-Brattin
SB 109-Cierpiot	SB 139-Bean
SB 110-Cierpiot	SB 140-Bean
SB 111-Arthur	SB 141-Bean
SB 112-Arthur	SB 142-Beck
SB 113-Arthur	SB 143-Beck
SB 114-Bernskoetter	SB 144-Beck

SB 145-Washington	SB 185-Bean
SB 146-Washington	SB 186-Beck
SB 147-Washington	SB 187-Beck
SB 148-Onder	SB 188-Beck
SB 149-Onder	SB 189-Washington
SB 150-Onder	SB 190-Washington
SB 151-Hoskins	SB 191-Washington
SB 152-Hoskins	SB 192-Onder
SB 153-Koenig	SB 193-Onder
SB 154-Koenig	SB 194-Onder
SB 155-Koenig	SB 195-Koenig
SB 156-Eigel	SB 196-Koenig
SB 157-Eigel	SB 197-Koenig
SB 158-Eigel	SB 198-Eigel
SB 159-Crawford	SB 199-Eigel
SB 160-Crawford	SB 200-Eigel
SB 161-Crawford	SB 201-Crawford
SB 162-Cierpiot	SB 202-Cierpiot
SB 163-Cierpiot	SB 203-Cierpiot
SB 164-Cierpiot	SB 204-Cierpiot
SB 165-Arthur	SB 205-Arthur
SB 166-Arthur	SB 206-Arthur
SB 167-Arthur	SB 207-Arthur
SB 168-Burlison	SB 208-Burlison
SB 169-Burlison	SB 209-Burlison
SB 170-Burlison	SB 210-Burlison
SB 171-White	SB 211-White
SB 172-White	SB 212-White
SB 173-White	SB 213-White
SB 174-Hough	SB 214-Hough
SB 175-Hough	SB 215-Hough
SB 176-Hough	SRB 216-Hough
SB 177-Brown	SB 217-Luetkemeyer
SB 178-Brown	SB 218-Luetkemeyer
SB 179-Luetkemeyer	SB 219-Luetkemeyer
SB 180-Luetkemeyer	SB 220-Beck
SB 181-Luetkemeyer	SB 221-Beck
SB 182-O’Laughlin	SB 222-Beck
SB 183-O’Laughlin	SB 223-Onder
SB 184-Bean	SB 224-Onder

SB 225-Onder	SB 265-Eslinger
SB 226-Koenig	SB 266-Mosley
SB 227-Arthur	SB 267-Mosley
SB 228-Arthur	SB 268-Mosley
SB 229-Arthur	SB 269-Mosley
SB 230-Burlison	SB 270-Mosley
SB 231-Burlison	SB 271-Mosley
SB 232-Burlison	SB 272-Mosley
SB 233-White	SB 273-Mosley
SB 234-White	SB 274-Mosley
SB 235-White	SB 275-Mosley
SB 236-Hough	SB 276-Mosley
SB 237-Hough	SB 277-Mosley
SB 238-Luetkemeyer	SB 278-Mosley
SB 239-Luetkemeyer	SB 279-Mosley
SB 240-Luetkemeyer	SB 280-Cierpiot
SB 241-Beck	SB 281-Brown
SB 242-Beck	SB 282-Hegeman
SB 243-Beck	SB 283-Hoskins
SB 244-Onder	SB 284-Crawford
SB 245-Onder	SB 285-Arthur
SB 246-Onder	SB 286-Hough
SB 247-Arthur	SB 287-Crawford
SB 248-Arthur	SB 288-Eigel
SB 249-Burlison	SB 289-Brown
SB 250-Burlison	SB 290-Hegeman
SB 251-Onder	SB 291-Brown
SB 252-Onder	SB 292-Schupp
SB 253-Hegeman	SB 293-Hoskins
SB 254-Riddle	SB 294-Hoskins
SB 255-Riddle	SB 295-Crawford
SB 256-Rowden	SB 296-Brattin
SB 257-Burlison	SB 297-Roberts
SB 258-White	SB 298-Arthur
SB 259-O'Laughlin	SB 299-Bernskoetter
SB 260-O'Laughlin	SB 300-Bernskoetter
SB 261-Williams	SB 301-Bernskoetter
SB 262-Schatz	SB 302-Gannon
SB 263-Crawford	SB 303-Gannon
SB 264-Arthur	SB 304-Eslinger

SB 305-Roberts	SB 345-Brown
SB 306-Bernskoetter	SB 346-O’Laughlin
SB 307-Brown	SB 347-O’Laughlin
SB 308-Koenig	SB 348-O’Laughlin
SB 309-Hegeman	SB 349-Roberts
SB 310-Crawford	SB 350-White
SB 311-Roberts	SB 351-Koenig
SB 312-Roberts	SB 352-Koenig
SB 313-Eigel	SB 353-Moon
SB 314-Hough	SB 354-Hoskins
SB 315-Hough	SB 355-Hoskins
SB 316-Hough	SB 356-May
SB 317-May	SB 357-Washington
SB 318-May	SB 358-Arthur
SB 319-May	SB 359-Wieland
SB 320-Roberts	SB 360-Wieland
SB 321-Roberts	SB 361-Wieland
SB 322-Roberts	SB 362-Wieland
SB 323-May	SB 363-Mosley
SB 324-Hegeman	SB 364-Mosley
SB 325-Hegeman	SB 365-Wieland
SB 326-Beck	SB 366-Wieland
SB 327-Koenig	SB 367-Hoskins
SB 328-Rowden	SB 368-Arthur
SB 329-Rowden	SB 369-White
SB 330-Burlison	SB 370-Brown
SB 331-Burlison	SB 371-Rizzo
SB 332-Burlison	SB 372-Riddle
SB 333-Burlison	SB 373-Bean
SB 334-Bernskoetter	SB 374-Luetkemeyer
SB 335-Brattin	SB 375-Eigel
SB 336-Brattin	SB 376-Hegeman
SB 337-Riddle	SB 377-Eslinger
SB 338-Luetkemeyer	SB 378-Onder
SB 339-Luetkemeyer	SB 379-O’Laughlin
SB 340-White	SB 380-Moon
SB 341-White	SB 381-Burlison
SB 342-White	SB 382-Burlison
SB 343-Brown	SB 383-Moon
SB 344-Brown	SB 384-Brown

SB 385-Brown	SJR 1-Hegeman
SB 386-Eslinger	SJR 2-Onder
SB 387-Hough	SJR 3-Hoskins
SB 388-Burlison	SJR 4-Koenig
SB 389-Hegeman	SJR 5-Eigel
SB 390-Luetkemeyer	SJR 6-Eigel
SB 391-Moon	SJR 7-Eigel
SB 392-Moon	SJR 8-Cierpiot
SB 393-Moon	SJR 9-Cierpiot
SB 394-Moon	SJR 10-Cierpiot
SB 395-Brattin	SJR 11-Burlison
SB 396-Brattin	SJR 12-Luetkemeyer
SB 397-Rehder	SJR 13-Brattin
SB 398-Eigel	SJR 14-Brattin
SB 399-Eigel	SJR 15-Eslinger
SB 400-Onder	SJR 16-Eslinger
SB 401-Onder	SJR 17-Washington
SB 402-Onder	SJR 18-Eigel
SB 403-Onder	SJR 19-Cierpiot
SB 404-Riddle	SJR 20-Cierpiot
SB 405-Luetkemeyer	SJR 21-Schatz
SB 406-Cierpiot	SJR 22-Mosley
SB 407-Beck	SJR 23-Roberts
SB 408-Wieland	SJR 24-Luetkemeyer

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Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 21, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Just as water reflects the face, so one human heart reflects another.” (Proverbs 27:19)

Father help us live graciously so that our hearts reflect the love we share with another and with You our God. May we always be thankful for being of help to others so the good that we see in You may truly be seen in us. And Lord we pray for former Senator Brown who faces surgery this day. We pray for your guiding the hands of the surgeons and the care he will need; bring him healing and renewed strength. And watch our “going out and coming in” this day and may our travel to loved ones be safe and bring rejoicing in our arrival home. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KRCG-TV and Nexstar were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Eslinger—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bean offered Senate Resolution No. 30, regarding Terry Griffin, Swinton, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 409—By Koenig.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to the disclosure of personal information to the Missouri ethics commission, with a penalty provision.

SB 410—By Koenig.

An Act to repeal section 143.081, RSMo, and to enact in lieu thereof one new section relating to a tax credit for certain income earned in another state.

SB 411—By Schatz.

An Act to repeal sections 316.250 and 537.348, RSMo, and to enact in lieu thereof two new sections relating to landowner liability, with existing penalty provisions.

SB 412—By Moon.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

SB 413—By Moon.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to electrical corporations.

SB 414—By Brattin.

An Act to repeal sections 77.450, 115.121, 115.123, 115.124, 115.308, 115.309, 115.315, 115.317, 115.321, 115.353, 115.365, 115.397, 162.1060, 184.352, 233.040, 247.060, 247.180, 249.150, 321.210, and 321.610, RSMo, and to enact in lieu thereof twenty new sections relating to municipal elections, with a delayed effective date.

SB 415—By Rehder.

An Act to repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

SB 416—By Schupp.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof ten new sections relating to leave from employment, with a referendum clause.

SB 417—By Schupp.

An Act to repeal section 130.011, RSMo, and to enact in lieu thereof two new sections relating to campaign finance, with an effective date.

SB 418—By Crawford.

An Act to repeal section 137.1018, RSMo, and to enact in lieu thereof one new section relating to a tax credit for certain rolling stock.

SB 419—By Washington.

An Act to repeal sections 544.190 and 563.046, RSMo, and to enact in lieu thereof three new sections relating to use of force by law enforcement officers, with penalty provisions.

SB 420—By Washington.

An Act to amend chapter 590, RSMo, by adding thereto three new sections relating to reporting requirements of law enforcement agencies.

SB 421—By Bernskoetter.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to alternative instruction delivery systems for virtual instructional programs, with an emergency clause.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Edward A. Cline, Independent, as a member of the State Board of Podiatric Medicine;

Also,

Gabriel Cline and Ann Rost, as members of the State Committee of Psychologists;

Also,

Chad Greer and Amy Diane Strauss, as members of the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects;

Also,

Adam Nanney, Independent, as a member of the Hazardous Waste Management Commission;

Also,

John Parry, Republican, as a member of the Missouri Development Finance Board; and

Debra Ann Schumer, Republican, as a member of the State Board of Health and Senior Services.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 85—Economic Development.

SB 86—Local Government and Elections.

SB 87—Government Accountability & Fiscal Oversight.

SB 88—Judiciary and Civil and Criminal Jurisprudence.

SB 89—Insurance and Banking.

SB 90—Insurance and Banking.

SB 91—General Laws.

SB 92—Commerce, Consumer Protection, Energy and the Environment.

SB 93—Health and Pensions.

SB 94—Small Business and Industry.

SB 95—Education.

SB 96—Agriculture, Food Production and Outdoor Resources.

SB 97—Ways and Means.

SB 98—Appropriations.

SB 99—Ways and Means.

SB 100—Ways and Means.

SB 101—Health and Pensions.

SB 102—Insurance and Banking.

SB 103—Health and Pensions.

SB 104—Transportation, Infrastructure and Public Safety.

SB 105—Insurance and Banking.

SB 106—Insurance and Banking.

SB 107—Local Government and Elections.

SB 108—Commerce, Consumer Protection, Energy and the Environment.

SB 109—Ways and Means.

SB 110—Economic Development.

SB 111—Small Business and Industry.

SB 112—Insurance and Banking.

SB 113—Local Government and Elections.

SB 114—Government Accountability & Fiscal Oversight.

- SB 115**—Small Business and Industry.
- SB 116**—Education.
- SB 117**—General Laws.
- SB 118**—General Laws.
- SB 119**—General Laws.
- SB 120**—Seniors, Families, Veterans & Military Affairs.
- SB 121**—Health and Pensions.
- SB 122**—Judiciary and Civil and Criminal Jurisprudence.
- SB 123**—Local Government and Elections.
- SB 124**—Seniors, Families, Veterans & Military Affairs.
- SB 125**—Economic Development.
- SB 126**—General Laws.
- SB 127**—Economic Development.
- SB 128**—Appropriations.
- SB 129**—Judiciary and Civil and Criminal Jurisprudence.
- SB 130**—Judiciary and Civil and Criminal Jurisprudence.
- SB 131**—Ways and Means.
- SB 132**—Seniors, Families, Veterans & Military Affairs.
- SB 133**—Education.
- SB 134**—Education.
- SB 135**—Transportation, Infrastructure and Public Safety.
- SB 136**—Education.
- SB 137**—Local Government and Elections.
- SB 138**—Seniors, Families, Veterans & Military Affairs.
- SB 139**—Education.
- SB 140**—Agriculture, Food Production and Outdoor Resources.
- SB 141**—Commerce, Consumer Protection, Energy and the Environment.
- SB 142**—Small Business and Industry.
- SB 143**—Small Business and Industry.
- SB 144**—General Laws.
- SB 145**—Small Business and Industry.
- SB 146**—Small Business and Industry.

SB 147—Ways and Means.

SB 148—Economic Development.

SB 149—Local Government and Elections.

SB 150—Local Government and Elections.

SB 151—Education.

SB 152—Insurance and Banking.

SB 153—Ways and Means.

SB 154—Local Government and Elections.

SB 155—Economic Development.

SB 156—Transportation, Infrastructure and Public Safety.

SB 157—Health and Pensions.

SB 158—Local Government and Elections.

SB 159—Agriculture, Food Production and Outdoor Resources.

SB 160—Local Government and Elections.

On motion of Senator White, the Senate adjourned until 4:00 p.m., Monday, January 25, 2021.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 25, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 161-Crawford
 SB 162-Cierpiot
 SB 163-Cierpiot
 SB 164-Cierpiot
 SB 165-Arthur
 SB 166-Arthur
 SB 167-Arthur
 SB 168-Burlison
 SB 169-Burlison
 SB 170-Burlison
 SB 171-White
 SB 172-White

SB 173-White
 SB 174-Hough
 SB 175-Hough
 SB 176-Hough
 SB 177-Brown
 SB 178-Brown
 SB 179-Luetkemeyer
 SB 180-Luetkemeyer
 SB 181-Luetkemeyer
 SB 182-O'Laughlin
 SB 183-O'Laughlin
 SB 184-Bean

SB 185-Bean	SB 231-Burlison
SB 186-Beck	SB 232-Burlison
SB 187-Beck	SB 233-White
SB 188-Beck	SB 234-White
SB 189-Washington	SB 235-White
SB 190-Washington	SB 236-Hough
SB 191-Washington	SB 237-Hough
SB 192-Onder	SB 238-Luetkemeyer
SB 193-Onder	SB 239-Luetkemeyer
SB 194-Onder	SB 240-Luetkemeyer
SB 195-Koenig	SB 241-Beck
SB 196-Koenig	SB 242-Beck
SB 197-Koenig	SB 243-Beck
SB 198-Eigel	SB 244-Onder
SB 199-Eigel	SB 245-Onder
SB 200-Eigel	SB 246-Onder
SB 201-Crawford	SB 247-Arthur
SB 202-Cierpiot	SB 248-Arthur
SB 203-Cierpiot	SB 249-Burlison
SB 204-Cierpiot	SB 250-Burlison
SB 205-Arthur	SB 251-Onder
SB 206-Arthur	SB 252-Onder
SB 207-Arthur	SB 253-Hegeman
SB 208-Burlison	SB 254-Riddle
SB 209-Burlison	SB 255-Riddle
SB 210-Burlison	SB 256-Rowden
SB 211-White	SB 257-Burlison
SB 212-White	SB 258-White
SB 213-White	SB 259-O’Laughlin
SB 214-Hough	SB 260-O’Laughlin
SB 215-Hough	SB 261-Williams
SRB 216-Hough	SB 262-Schatz
SB 217-Luetkemeyer	SB 263-Crawford
SB 218-Luetkemeyer	SB 264-Arthur
SB 219-Luetkemeyer	SB 265-Eslinger
SB 220-Beck	SB 266-Mosley
SB 221-Beck	SB 267-Mosley
SB 222-Beck	SB 268-Mosley
SB 223-Onder	SB 269-Mosley
SB 224-Onder	SB 270-Mosley
SB 225-Onder	SB 271-Mosley
SB 226-Koenig	SB 272-Mosley
SB 227-Arthur	SB 273-Mosley
SB 228-Arthur	SB 274-Mosley
SB 229-Arthur	SB 275-Mosley
SB 230-Burlison	SB 276-Mosley

SB 277-Mosley	SB 323-May
SB 278-Mosley	SB 324-Hegeman
SB 279-Mosley	SB 325-Hegeman
SB 280-Cierpiot	SB 326-Beck
SB 281-Brown	SB 327-Koenig
SB 282-Hegeman	SB 328-Rowden
SB 283-Hoskins	SB 329-Rowden
SB 284-Crawford	SB 330-Burlison
SB 285-Arthur	SB 331-Burlison
SB 286-Hough	SB 332-Burlison
SB 287-Crawford	SB 333-Burlison
SB 288-Eigel	SB 334-Bernskoetter
SB 289-Brown	SB 335-Brattin
SB 290-Hegeman	SB 336-Brattin
SB 291-Brown	SB 337-Riddle
SB 292-Schupp	SB 338-Luetkemeyer
SB 293-Hoskins	SB 339-Luetkemeyer
SB 294-Hoskins	SB 340-White
SB 295-Crawford	SB 341-White
SB 296-Brattin	SB 342-White
SB 297-Roberts	SB 343-Brown
SB 298-Arthur	SB 344-Brown
SB 299-Bernskoetter	SB 345-Brown
SB 300-Bernskoetter	SB 346-O'Laughlin
SB 301-Bernskoetter	SB 347-O'Laughlin
SB 302-Gannon	SB 348-O'Laughlin
SB 303-Gannon	SB 349-Roberts
SB 304-Eslinger	SB 350-White
SB 305-Roberts	SB 351-Koenig
SB 306-Bernskoetter	SB 352-Koenig
SB 307-Brown	SB 353-Moon
SB 308-Koenig	SB 354-Hoskins
SB 309-Hegeman	SB 355-Hoskins
SB 310-Crawford	SB 356-May
SB 311-Roberts	SB 357-Washington
SB 312-Roberts	SB 358-Arthur
SB 313-Eigel	SB 359-Wieland
SB 314-Hough	SB 360-Wieland
SB 315-Hough	SB 361-Wieland
SB 316-Hough	SB 362-Wieland
SB 317-May	SB 363-Mosley
SB 318-May	SB 364-Mosley
SB 319-May	SB 365-Wieland
SB 320-Roberts	SB 366-Wieland
SB 321-Roberts	SB 367-Hoskins
SB 322-Roberts	SB 368-Arthur

SB 369-White	SB 408-Wieland
SB 370-Brown	SB 409-Koenig
SB 371-Rizzo	SB 410-Koenig
SB 372-Riddle	SB 411-Schatz
SB 373-Bean	SB 412-Moon
SB 374-Luetkemeyer	SB 413-Moon
SB 375-Eigel	SB 414-Brattin
SB 376-Hegeman	SB 415-Rehder
SB 377-Eslinger	SB 416-Schupp
SB 378-Onder	SB 417-Schupp
SB 379-O'Laughlin	SB 418-Crawford
SB 380-Moon	SB 419-Washington
SB 381-Burlison	SB 420-Washington
SB 382-Burlison	SB 421-Bernskoetter
SB 383-Moon	SJR 1-Hegeman
SB 384-Brown	SJR 2-Onder
SB 385-Brown	SJR 3-Hoskins
SB 386-Eslinger	SJR 4-Koenig
SB 387-Hough	SJR 5-Eigel
SB 388-Burlison	SJR 6-Eigel
SB 389-Hegeman	SJR 7-Eigel
SB 390-Luetkemeyer	SJR 8-Cierpiot
SB 391-Moon	SJR 9-Cierpiot
SB 392-Moon	SJR 10-Cierpiot
SB 393-Moon	SJR 11-Burlison
SB 394-Moon	SJR 12-Luetkemeyer
SB 395-Brattin	SJR 13-Brattin
SB 396-Brattin	SJR 14-Brattin
SB 397-Rehder	SJR 15-Eslinger
SB 398-Eigel	SJR 16-Eslinger
SB 399-Eigel	SJR 17-Washington
SB 400-Onder	SJR 18-Eigel
SB 401-Onder	SJR 19-Cierpiot
SB 402-Onder	SJR 20-Cierpiot
SB 403-Onder	SJR 21-Schatz
SB 404-Riddle	SJR 22-Mosley
SB 405-Luetkemeyer	SJR 23-Roberts
SB 406-Cierpiot	SJR 24-Luetkemeyer
SB 407-Beck	

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 25, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“With my voice I cry to the Lord; with my voice I make supplication to the Lord.” (Psalm 142:1)

Gracious God, we trust in Your caring for Your people and so we call upon You in need and in thanksgiving. We thank You for our safe travel here today and for the rain that waters the earth. We call upon You that our colleagues will be healed of Covid 19 and pray for all who call upon You to receive Your healing spirit and comforting presence. And we would ask that Your spirit will guide our work and open our hearts to those in need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 21, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Luetkemeyer	May	Moon	Mosley	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators

Bean	Koenig	O’Laughlin—3
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wieland offered Senate Resolution No. 31, regarding Ronald Fenwick, Festus, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 32, regarding the Sixty-second Anniversary of Twehous Excavating Company, Inc., Jefferson City, which was adopted.

Senator Riddle offered Senate Resolution No. 33, regarding Donald Clark, Fulton, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 34, regarding Bill Smith, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 35, regarding Alvin “Al” Carter, Jefferson City, which was adopted.

Senator Schatz offered the following resolution:

SENATE RESOLUTION NO. 36**NOTICE OF PROPOSED RULE CHANGE**

Notice is hereby given by the Senator from the 26th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the One Hundred First General Assembly, First Regular Session, that Senate Rule 25, be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 9 members.
3. Committee on Appropriations, [13] 14 members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 9 members.
6. Committee on Education, 9 members.
7. Committee on General Laws, 7 members.
8. Committee on Governmental Accountability and Fiscal Oversight, 8 members.
9. Committee on Gubernatorial Appointments, 11 members.
10. Committee on Health and Pensions, 7 members.
11. Committee on Insurance and Banking, 7 members.
12. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
13. Committee on Local Government and Elections, 7 members.
14. Committee on Professional Registration, 7 members.
15. Committee on Progress and Development, 5 members.
16. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
17. Committee on Seniors, Families, Veterans, and Military Affairs, 8 members.
18. Committee on Small Business and Industry, 7 members.
19. Committee on Transportation, Infrastructure and Public Safety, 7 members.
20. Committee on Ways and Means, 7 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.”.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 422—By May.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit information in insurance underwriting.

SB 423—By May.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the relocation of call centers from the state of Missouri, with penalty provisions.

SB 424—By May.

An Act to repeal sections 173.035 and 173.1004, RSMo, and to enact in lieu thereof two new sections relating to employment opportunities for graduates of institutions of higher education.

SB 425—By May.

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain sexual offenses.

SB 426—By Moon.

An Act to repeal section 536.037, RSMo, and to enact in lieu thereof two new sections relating to state enforcement of federal regulations.

SB 427—By Moon.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hunting permits.

SB 428—By Razer.

An Act to repeal sections 143.121 and 143.171, RSMo, and to enact in lieu thereof two new sections relating to the taxation of certain federal stimulus payments.

SB 429—By Brown.

An Act to amend chapter 43, RSMo, by adding thereto one new section relating to fees paid to the Missouri highway patrol.

SB 430—By Brown.

An Act to repeal section 27.020, RSMo, and to enact in lieu thereof one new section relating to investigators for the attorney general.

SB 431—By Bernskoetter.

An Act to repeal section 313.004, RSMo, and to enact in lieu thereof one new section relating to the Missouri gaming commission, with existing penalty provisions.

Senator Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 51** and **SB 42**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator O’Laughlin, Chairman of the Committee on Education, Senator Brattin submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 55**, **SB 23**, and **SB 25**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 2**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 26, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 161-Crawford
SB 162-Cierpiot
SB 163-Cierpiot
SB 164-Cierpiot
SB 165-Arthur
SB 166-Arthur
SB 167-Arthur

SB 168-Burlison
SB 169-Burlison
SB 170-Burlison
SB 171-White
SB 172-White
SB 173-White
SB 174-Hough

SB 175-Hough	SB 215-Hough
SB 176-Hough	SRB 216-Hough
SB 177-Brown	SB 217-Luetkemeyer
SB 178-Brown	SB 218-Luetkemeyer
SB 179-Luetkemeyer	SB 219-Luetkemeyer
SB 180-Luetkemeyer	SB 220-Beck
SB 181-Luetkemeyer	SB 221-Beck
SB 182-O'Laughlin	SB 222-Beck
SB 183-O'Laughlin	SB 223-Onder
SB 184-Bean	SB 224-Onder
SB 185-Bean	SB 225-Onder
SB 186-Beck	SB 226-Koenig
SB 187-Beck	SB 227-Arthur
SB 188-Beck	SB 228-Arthur
SB 189-Washington	SB 229-Arthur
SB 190-Washington	SB 230-Burlison
SB 191-Washington	SB 231-Burlison
SB 192-Onder	SB 232-Burlison
SB 193-Onder	SB 233-White
SB 194-Onder	SB 234-White
SB 195-Koenig	SB 235-White
SB 196-Koenig	SB 236-Hough
SB 197-Koenig	SB 237-Hough
SB 198-Eigel	SB 238-Luetkemeyer
SB 199-Eigel	SB 239-Luetkemeyer
SB 200-Eigel	SB 240-Luetkemeyer
SB 201-Crawford	SB 241-Beck
SB 202-Cierpiot	SB 242-Beck
SB 203-Cierpiot	SB 243-Beck
SB 204-Cierpiot	SB 244-Onder
SB 205-Arthur	SB 245-Onder
SB 206-Arthur	SB 246-Onder
SB 207-Arthur	SB 247-Arthur
SB 208-Burlison	SB 248-Arthur
SB 209-Burlison	SB 249-Burlison
SB 210-Burlison	SB 250-Burlison
SB 211-White	SB 251-Onder
SB 212-White	SB 252-Onder
SB 213-White	SB 253-Hegeman
SB 214-Hough	SB 254-Riddle

SB 255-Riddle	SB 295-Crawford
SB 256-Rowden	SB 296-Brattin
SB 257-Burlison	SB 297-Roberts
SB 258-White	SB 298-Arthur
SB 259-O’Laughlin	SB 299-Bernskoetter
SB 260-O’Laughlin	SB 300-Bernskoetter
SB 261-Williams	SB 301-Bernskoetter
SB 262-Schatz	SB 302-Gannon
SB 263-Crawford	SB 303-Gannon
SB 264-Arthur	SB 304-Eslinger
SB 265-Eslinger	SB 305-Roberts
SB 266-Mosley	SB 306-Bernskoetter
SB 267-Mosley	SB 307-Brown
SB 268-Mosley	SB 308-Koenig
SB 269-Mosley	SB 309-Hegeman
SB 270-Mosley	SB 310-Crawford
SB 271-Mosley	SB 311-Roberts
SB 272-Mosley	SB 312-Roberts
SB 273-Mosley	SB 313-Eigel
SB 274-Mosley	SB 314-Hough
SB 275-Mosley	SB 315-Hough
SB 276-Mosley	SB 316-Hough
SB 277-Mosley	SB 317-May
SB 278-Mosley	SB 318-May
SB 279-Mosley	SB 319-May
SB 280-Cierpiot	SB 320-Roberts
SB 281-Brown	SB 321-Roberts
SB 282-Hegeman	SB 322-Roberts
SB 283-Hoskins	SB 323-May
SB 284-Crawford	SB 324-Hegeman
SB 285-Arthur	SB 325-Hegeman
SB 286-Hough	SB 326-Beck
SB 287-Crawford	SB 327-Koenig
SB 288-Eigel	SB 328-Rowden
SB 289-Brown	SB 329-Rowden
SB 290-Hegeman	SB 330-Burlison
SB 291-Brown	SB 331-Burlison
SB 292-Schupp	SB 332-Burlison
SB 293-Hoskins	SB 333-Burlison
SB 294-Hoskins	SB 334-Bernskoetter

SB 335-Brattin	SB 375-Eigel
SB 336-Brattin	SB 376-Hegeman
SB 337-Riddle	SB 377-Eslinger
SB 338-Luetkemeyer	SB 378-Onder
SB 339-Luetkemeyer	SB 379-O'Laughlin
SB 340-White	SB 380-Moon
SB 341-White	SB 381-Burlison
SB 342-White	SB 382-Burlison
SB 343-Brown	SB 383-Moon
SB 344-Brown	SB 384-Brown
SB 345-Brown	SB 385-Brown
SB 346-O'Laughlin	SB 386-Eslinger
SB 347-O'Laughlin	SB 387-Hough
SB 348-O'Laughlin	SB 388-Burlison
SB 349-Roberts	SB 389-Hegeman
SB 350-White	SB 390-Luetkemeyer
SB 351-Koenig	SB 391-Moon
SB 352-Koenig	SB 392-Moon
SB 353-Moon	SB 393-Moon
SB 354-Hoskins	SB 394-Moon
SB 355-Hoskins	SB 395-Brattin
SB 356-May	SB 396-Brattin
SB 357-Washington	SB 397-Rehder
SB 358-Arthur	SB 398-Eigel
SB 359-Wieland	SB 399-Eigel
SB 360-Wieland	SB 400-Onder
SB 361-Wieland	SB 401-Onder
SB 362-Wieland	SB 402-Onder
SB 363-Mosley	SB 403-Onder
SB 364-Mosley	SB 404-Riddle
SB 365-Wieland	SB 405-Luetkemeyer
SB 366-Wieland	SB 406-Cierpiot
SB 367-Hoskins	SB 407-Beck
SB 368-Arthur	SB 408-Wieland
SB 369-White	SB 409-Koenig
SB 370-Brown	SB 410-Koenig
SB 371-Rizzo	SB 411-Schatz
SB 372-Riddle	SB 412-Moon
SB 373-Bean	SB 413-Moon
SB 374-Luetkemeyer	SB 414-Brattin

SB 415-Rehder	SJR 5-Eigel
SB 416-Schupp	SJR 6-Eigel
SB 417-Schupp	SJR 7-Eigel
SB 418-Crawford	SJR 8-Cierpiot
SB 419-Washington	SJR 9-Cierpiot
SB 420-Washington	SJR 10-Cierpiot
SB 421-Bernskoetter	SJR 11-Burlison
SB 422-May	SJR 12-Luetkemeyer
SB 423-May	SJR 13-Brattin
SB 424-May	SJR 14-Brattin
SB 425-May	SJR 15-Eslinger
SB 426-Moon	SJR 16-Eslinger
SB 427-Moon	SJR 17-Washington
SB 428-Razer	SJR 18-Eigel
SB 429-Brown	SJR 19-Cierpiot
SB 430-Brown	SJR 20-Cierpiot
SB 431-Bernskoetter	SJR 21-Schatz
SJR 1-Hegeman	SJR 22-Mosley
SJR 2-Onder	SJR 23-Roberts
SJR 3-Hoskins	SJR 24-Luetkemeyer
SJR 4-Koenig	

SENATE BILLS FOR PERFECTION

SBs 51 & 42-Luetkemeyer, with SCS	SB 2-Hegeman and Luetkemeyer
SBs 55, 23 & 25-O’Laughlin, with SCS	

INFORMAL CALENDAR

RESOLUTIONS

SR 36-Schatz

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Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 26, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Surely the Lord is with us.” (Micah 3:11b)

Heavenly Father, we seek Your presence in our lives and petition You that we might Learn from Your gracious word and live our lives in harmony with You and one another. Open our hearts to know You and guide us to make clear decisions that are in keeping with what You desire of us and we pray You provide us to have the wisdom to follow the path laid out for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Koenig O’Laughlin—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crawford offered Senate Resolution No. 37, regarding Kaylee Willene Lower, Collins, which was adopted.

Senator Brown offered Senate Resolution No. 38, regarding Dakota Pemberton, Richland, which was adopted.

Senator Riddle offered Senate Resolution No. 39, regarding Lauryn Robnett, Laddonia, which was adopted.

Senator Riddle offered Senate Resolution No. 40, regarding Erin Heinecke, Paris, which was adopted.

Senator Rehder offered Senate Resolution No. 41, regarding Madison Moll, Saint Mary, which was adopted.

Senator Rowden offered Senate Resolution No. 42, regarding Justin Eddy, Rocheport, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 43, regarding Patricia “Pattie” Parris, Jefferson City, which was adopted.

Senator Brattin offered Senate Resolution No. 44, regarding Mackenzie Porter, Harrisonville, which was adopted.

Senator Schatz moved that **SR 36** be taken up for adoption, which motion prevailed.

On motion of Senator Schatz, **SR 36** was adopted by the following vote:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

Absent—Senator Riddle—1

Absent with leave—Senators

Koenig O’Laughlin—2

Vacancies—None

CONCURRENT RESOLUTIONS

Senator Moon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, an independent United States Supreme Court is an essential element of America’s system of checks and balances that protects our constitutional rights; and

WHEREAS, the United States Supreme Court has been composed of nine Justices for more than 150 years; and

WHEREAS, the President of the United States and Congress should be prohibited from undermining the independence of the Supreme Court by changing the number of Justices on the Supreme Court:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to resist any attempt to increase the number of Justices

on the United States Supreme Court; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 432—By Cierpiot.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to the offense of resisting or interfering with arrest, with penalty provisions.

SB 433—By Wieland.

An Act to repeal sections 116.260 and 447.541, RSMo, and to enact in lieu thereof three new sections relating to legal notices.

SB 434—By Washington.

An Act to amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

SJR 25—By Moon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the definition of person.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 19**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 19

BE IT RESOLVED, by the House of Representatives of the One Hundred First General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 2:30 p.m., Wednesday, January 27, 2021, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that an honorary committee from the House of Representatives be appointed by the Speaker to act with an honorary committee from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the One Hundred First General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 20**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 20

BE IT RESOLVED, by the House of Representatives of the One Hundred First General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House

of Representatives at 10:30 a.m., Tuesday, February 2, 2021, to receive a message from the Honorable George W. Draper, III, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

At the request of Senator Luetkemeyer, **SBs 51 and 42**, with SCS, was placed on the informal calendar.

SBs 55, 23 and 25, with SCS, was placed on the informal calendar.

Senator Hegeman moved that **SB 2** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 2**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 2

An Act to repeal sections 620.2005 and 620.2010, RSMo, and to enact in lieu thereof two new sections relating to economic incentives for the creation of military jobs, with an emergency clause.

Senator Hegeman moved that **SS** for **SB 2** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SB 2** was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Rowden requested unanimous consent of the Senate that **HCR 19** be taken up for adoption, which request was granted.

On motion of Senator Rowden, **HCR 19** was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
May	Moon	Mosley	Razer	Rehder	Roberts	Rowden
Schatz	Washington	White	Wieland	Williams—26		

NAYS—Senator Schupp—1

Absent—Senators

Burlison	Onder	Riddle	Rizzo—4
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Absent with leave—Senators

Eigel	Koenig	O’Laughlin—3
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Vacancies—None

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 45, regarding the death of Donna Cushman, Kansas City, which was adopted.

Senator Hoskins offered Senate Resolution No. 46, regarding Katelyn Craig, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 47, regarding Allison Rose Adlich, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 48, regarding Melody Ann Mertes, Warrensburg, which was adopted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

January 26, 2021

Ms. Adriane Crouse
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

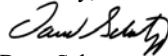
Dear Ms. Crouse;

Please be advised that I am hereby appointing the "Select" Committee on Redistricting to consist of the following members:

Senator Mike Bernskoetter, Chair
Senator Dan Hegeman, Vice Chair
Senator Mike Cierpiot
Senator Bill Eigel
Senator Bob Onder
Senator Holly Rehder
Senator Caleb Rowden
Senator Bill White
Senator John Rizzo
Senator Steven Roberts
Senator Barbara Washington
Senator Brian Williams

Please do not hesitate to contact me should you need any assistance.

Sincerely,



Dave Schatz

President Pro Tem

INTRODUCTION OF GUESTS

Senator Schupp introduced to the Senate, Alexa Anderson, O'Fallon.

Senator Eslinger introduced to the Senate, Dr. Julie Williams, Rolla; and Mary Schrag, West Plains.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY—WEDNESDAY, JANUARY 27, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 161-Crawford	SB 191-Washington
SB 162-Cierpiot	SB 192-Onder
SB 163-Cierpiot	SB 193-Onder
SB 164-Cierpiot	SB 194-Onder
SB 165-Arthur	SB 195-Koenig
SB 166-Arthur	SB 196-Koenig
SB 167-Arthur	SB 197-Koenig
SB 168-Burlison	SB 198-Eigel
SB 169-Burlison	SB 199-Eigel
SB 170-Burlison	SB 200-Eigel
SB 171-White	SB 201-Crawford
SB 172-White	SB 202-Cierpiot
SB 173-White	SB 203-Cierpiot
SB 174-Hough	SB 204-Cierpiot
SB 175-Hough	SB 205-Arthur
SB 176-Hough	SB 206-Arthur
SB 177-Brown	SB 207-Arthur
SB 178-Brown	SB 208-Burlison
SB 179-Luetkemeyer	SB 209-Burlison
SB 180-Luetkemeyer	SB 210-Burlison
SB 181-Luetkemeyer	SB 211-White
SB 182-O’Laughlin	SB 212-White
SB 183-O’Laughlin	SB 213-White
SB 184-Bean	SB 214-Hough
SB 185-Bean	SB 215-Hough
SB 186-Beck	SRB 216-Hough
SB 187-Beck	SB 217-Luetkemeyer
SB 188-Beck	SB 218-Luetkemeyer
SB 189-Washington	SB 219-Luetkemeyer
SB 190-Washington	SB 220-Beck

SB 221-Beck	SB 261-Williams
SB 222-Beck	SB 262-Schatz
SB 223-Onder	SB 263-Crawford
SB 224-Onder	SB 264-Arthur
SB 225-Onder	SB 265-Eslinger
SB 226-Koenig	SB 266-Mosley
SB 227-Arthur	SB 267-Mosley
SB 228-Arthur	SB 268-Mosley
SB 229-Arthur	SB 269-Mosley
SB 230-Burlison	SB 270-Mosley
SB 231-Burlison	SB 271-Mosley
SB 232-Burlison	SB 272-Mosley
SB 233-White	SB 273-Mosley
SB 234-White	SB 274-Mosley
SB 235-White	SB 275-Mosley
SB 236-Hough	SB 276-Mosley
SB 237-Hough	SB 277-Mosley
SB 238-Luetkemeyer	SB 278-Mosley
SB 239-Luetkemeyer	SB 279-Mosley
SB 240-Luetkemeyer	SB 280-Cierpiot
SB 241-Beck	SB 281-Brown
SB 242-Beck	SB 282-Hegeman
SB 243-Beck	SB 283-Hoskins
SB 244-Onder	SB 284-Crawford
SB 245-Onder	SB 285-Arthur
SB 246-Onder	SB 286-Hough
SB 247-Arthur	SB 287-Crawford
SB 248-Arthur	SB 288-Eigel
SB 249-Burlison	SB 289-Brown
SB 250-Burlison	SB 290-Hegeman
SB 251-Onder	SB 291-Brown
SB 252-Onder	SB 292-Schupp
SB 253-Hegeman	SB 293-Hoskins
SB 254-Riddle	SB 294-Hoskins
SB 255-Riddle	SB 295-Crawford
SB 256-Rowden	SB 296-Brattin
SB 257-Burlison	SB 297-Roberts
SB 258-White	SB 298-Arthur
SB 259-O'Laughlin	SB 299-Bernskoetter
SB 260-O'Laughlin	SB 300-Bernskoetter

SB 301-Bernskoetter	SB 341-White
SB 302-Gannon	SB 342-White
SB 303-Gannon	SB 343-Brown
SB 304-Eslinger	SB 344-Brown
SB 305-Roberts	SB 345-Brown
SB 306-Bernskoetter	SB 346-O’Laughlin
SB 307-Brown	SB 347-O’Laughlin
SB 308-Koenig	SB 348-O’Laughlin
SB 309-Hegeman	SB 349-Roberts
SB 310-Crawford	SB 350-White
SB 311-Roberts	SB 351-Koenig
SB 312-Roberts	SB 352-Koenig
SB 313-Eigel	SB 353-Moon
SB 314-Hough	SB 354-Hoskins
SB 315-Hough	SB 355-Hoskins
SB 316-Hough	SB 356-May
SB 317-May	SB 357-Washington
SB 318-May	SB 358-Arthur
SB 319-May	SB 359-Wieland
SB 320-Roberts	SB 360-Wieland
SB 321-Roberts	SB 361-Wieland
SB 322-Roberts	SB 362-Wieland
SB 323-May	SB 363-Mosley
SB 324-Hegeman	SB 364-Mosley
SB 325-Hegeman	SB 365-Wieland
SB 326-Beck	SB 366-Wieland
SB 327-Koenig	SB 367-Hoskins
SB 328-Rowden	SB 368-Arthur
SB 329-Rowden	SB 369-White
SB 330-Burlison	SB 370-Brown
SB 331-Burlison	SB 371-Rizzo
SB 332-Burlison	SB 372-Riddle
SB 333-Burlison	SB 373-Bean
SB 334-Bernskoetter	SB 374-Luetkemeyer
SB 335-Brattin	SB 375-Eigel
SB 336-Brattin	SB 376-Hegeman
SB 337-Riddle	SB 377-Eslinger
SB 338-Luetkemeyer	SB 378-Onder
SB 339-Luetkemeyer	SB 379-O’Laughlin
SB 340-White	SB 380-Moon

SB 381-Burlison	SB 421-Bernskoetter
SB 382-Burlison	SB 422-May
SB 383-Moon	SB 423-May
SB 384-Brown	SB 424-May
SB 385-Brown	SB 425-May
SB 386-Eslinger	SB 426-Moon
SB 387-Hough	SB 427-Moon
SB 388-Burlison	SB 428-Razer
SB 389-Hegeman	SB 429-Brown
SB 390-Luetkemeyer	SB 430-Brown
SB 391-Moon	SB 431-Bernskoetter
SB 392-Moon	SB 432-Cierpiot
SB 393-Moon	SB 433-Wieland
SB 394-Moon	SB 434-Washington
SB 395-Brattin	SJR 1-Hegeman
SB 396-Brattin	SJR 2-Onder
SB 397-Rehder	SJR 3-Hoskins
SB 398-Eigel	SJR 4-Koenig
SB 399-Eigel	SJR 5-Eigel
SB 400-Onder	SJR 6-Eigel
SB 401-Onder	SJR 7-Eigel
SB 402-Onder	SJR 8-Cierpiot
SB 403-Onder	SJR 9-Cierpiot
SB 404-Riddle	SJR 10-Cierpiot
SB 405-Luetkemeyer	SJR 11-Burlison
SB 406-Cierpiot	SJR 12-Luetkemeyer
SB 407-Beck	SJR 13-Brattin
SB 408-Wieland	SJR 14-Brattin
SB 409-Koenig	SJR 15-Eslinger
SB 410-Koenig	SJR 16-Eslinger
SB 411-Schatz	SJR 17-Washington
SB 412-Moon	SJR 18-Eigel
SB 413-Moon	SJR 19-Cierpiot
SB 414-Brattin	SJR 20-Cierpiot
SB 415-Rehder	SJR 21-Schatz
SB 416-Schupp	SJR 22-Mosley
SB 417-Schupp	SJR 23-Roberts
SB 418-Crawford	SJR 24-Luetkemeyer
SB 419-Washington	SJR 25-Moon
SB 420-Washington	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 51 & 42-Luetkemeyer, with SCS

SBs 55, 23 & 25-O’Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

To be Referred

SCR 6-Moon

✓

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY—WEDNESDAY, JANUARY 27, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Senator Rowden offered the following prayer:

Father, we come before You today and we thank You for the awesome opportunity that we have to serve in this chamber. We thank You for health. We thank You for safety, as we have come through tough conditions today. It says in Your word, God, “Seek ye first the kingdom of God and His righteousness and all these things shall be added unto you.” I pray today that we would, first seek You and the things of Your heart: grace, compassion, humility and justice. Give us the strength to do this job well, and for those who can’t be with us, I pray that You would give them a quick recovery, safety, and healing. Thank You for the chance to serve. We pray for Your continued blessing on this State and on this country. We ask this in Your Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
May	Moon	Mosley	Razer	Rehder	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

Absent—Senators—None

Absent with leave—Senators

Burlison	Eigel	Koenig	O’Laughlin	Onder	Riddle	Rizzo—7
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of Senator Riddle, Senator Rowden offered Senate Resolution No. 49, regarding Colin Wilburn, Laddonia, which was adopted.

The Senate observed a moment of silence in recognition of Holocaust Remembrance Day.

COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following honorary escort committee pursuant to **HCR 19**: Senators Schatz, Hegeman, Onder, Riddle, Wieland, Razer, Williams, Schupp, Arthur and May.

REFERRALS

President Pro Tem Schatz referred **SCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 435—By Hoskins.

An Act to repeal section 339.150, RSMo, and to enact in lieu thereof one new section relating to certain payments to businesses owned by licensed real estate salespersons and broker-salespersons.

SB 436—By Hoskins.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a deduction for business expenses related to the sale of medical marijuana.

SB 437—By Hoskins.

An Act to repeal sections 251.600, 251.603, 251.605, 251.610, 251.615, 251.618, 251.621, 251.624, 251.627, and 251.630, RSMo, relating to economic development districts.

SB 438—By Rehder.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to court dockets for foster care cases.

SB 439—By Hegeman.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to actions to quiet title involving subsurface rights.

SB 440—By Washington.

An Act to amend chapter 211, RSMo, by adding thereto one new section relating to juvenile detention.

SB 441—By Washington.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the Missouri food security task force.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 2**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Rowden, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 429**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for foster parents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 430**, entitled:

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, and 191.975, RSMo, and to enact in lieu thereof six new sections relating to adoption tax credits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Rowden requested unanimous consent of the Senate to allow the Governor to use the Senate Chamber for an address, which request was granted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

January 27, 2021

Adriane Crouse

Secretary of the Senate

201 W. Capitol Ave. Rm 325

Jefferson City, MO

Dear Mrs. Crouse,

Pursuant to Rule 12, I am appointing Senator Tony Luetkemeyer to the committee on Appropriations.

Sincerely,



Dave Schatz

President Pro Tem

INTRODUCTION OF GUESTS

Senator Moon introduced to the Senate, Celeste Cramer and Doug Cramer, Clever.

Senator Rehder introduced to the Senate, Brian Gerau, Jackson.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY—THURSDAY, JANUARY 28, 2021

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 161-Crawford	SB 183-O’Laughlin
SB 162-Cierpiot	SB 184-Bean
SB 163-Cierpiot	SB 185-Bean
SB 164-Cierpiot	SB 186-Beck
SB 165-Arthur	SB 187-Beck
SB 166-Arthur	SB 188-Beck
SB 167-Arthur	SB 189-Washington
SB 168-Burlison	SB 190-Washington
SB 169-Burlison	SB 191-Washington
SB 170-Burlison	SB 192-Onder
SB 171-White	SB 193-Onder
SB 172-White	SB 194-Onder
SB 173-White	SB 195-Koenig
SB 174-Hough	SB 196-Koenig
SB 175-Hough	SB 197-Koenig
SB 176-Hough	SB 198-Eigel
SB 177-Brown	SB 199-Eigel
SB 178-Brown	SB 200-Eigel
SB 179-Luetkemeyer	SB 201-Crawford
SB 180-Luetkemeyer	SB 202-Cierpiot
SB 181-Luetkemeyer	SB 203-Cierpiot
SB 182-O’Laughlin	SB 204-Cierpiot

SB 205-Arthur	SB 245-Onder
SB 206-Arthur	SB 246-Onder
SB 207-Arthur	SB 247-Arthur
SB 208-Burlison	SB 248-Arthur
SB 209-Burlison	SB 249-Burlison
SB 210-Burlison	SB 250-Burlison
SB 211-White	SB 251-Onder
SB 212-White	SB 252-Onder
SB 213-White	SB 253-Hegeman
SB 214-Hough	SB 254-Riddle
SB 215-Hough	SB 255-Riddle
SRB 216-Hough	SB 256-Rowden
SB 217-Luetkemeyer	SB 257-Burlison
SB 218-Luetkemeyer	SB 258-White
SB 219-Luetkemeyer	SB 259-O'Laughlin
SB 220-Beck	SB 260-O'Laughlin
SB 221-Beck	SB 261-Williams
SB 222-Beck	SB 262-Schatz
SB 223-Onder	SB 263-Crawford
SB 224-Onder	SB 264-Arthur
SB 225-Onder	SB 265-Eslinger
SB 226-Koenig	SB 266-Mosley
SB 227-Arthur	SB 267-Mosley
SB 228-Arthur	SB 268-Mosley
SB 229-Arthur	SB 269-Mosley
SB 230-Burlison	SB 270-Mosley
SB 231-Burlison	SB 271-Mosley
SB 232-Burlison	SB 272-Mosley
SB 233-White	SB 273-Mosley
SB 234-White	SB 274-Mosley
SB 235-White	SB 275-Mosley
SB 236-Hough	SB 276-Mosley
SB 237-Hough	SB 277-Mosley
SB 238-Luetkemeyer	SB 278-Mosley
SB 239-Luetkemeyer	SB 279-Mosley
SB 240-Luetkemeyer	SB 280-Cierpiot
SB 241-Beck	SB 281-Brown
SB 242-Beck	SB 282-Hegeman
SB 243-Beck	SB 283-Hoskins
SB 244-Onder	SB 284-Crawford

SB 285-Arthur	SB 325-Hegeman
SB 286-Hough	SB 326-Beck
SB 287-Crawford	SB 327-Koenig
SB 288-Eigel	SB 328-Rowden
SB 289-Brown	SB 329-Rowden
SB 290-Hegeman	SB 330-Burlison
SB 291-Brown	SB 331-Burlison
SB 292-Schupp	SB 332-Burlison
SB 293-Hoskins	SB 333-Burlison
SB 294-Hoskins	SB 334-Bernskoetter
SB 295-Crawford	SB 335-Brattin
SB 296-Brattin	SB 336-Brattin
SB 297-Roberts	SB 337-Riddle
SB 298-Arthur	SB 338-Luetkemeyer
SB 299-Bernskoetter	SB 339-Luetkemeyer
SB 300-Bernskoetter	SB 340-White
SB 301-Bernskoetter	SB 341-White
SB 302-Gannon	SB 342-White
SB 303-Gannon	SB 343-Brown
SB 304-Eslinger	SB 344-Brown
SB 305-Roberts	SB 345-Brown
SB 306-Bernskoetter	SB 346-O'Laughlin
SB 307-Brown	SB 347-O'Laughlin
SB 308-Koenig	SB 348-O'Laughlin
SB 309-Hegeman	SB 349-Roberts
SB 310-Crawford	SB 350-White
SB 311-Roberts	SB 351-Koenig
SB 312-Roberts	SB 352-Koenig
SB 313-Eigel	SB 353-Moon
SB 314-Hough	SB 354-Hoskins
SB 315-Hough	SB 355-Hoskins
SB 316-Hough	SB 356-May
SB 317-May	SB 357-Washington
SB 318-May	SB 358-Arthur
SB 319-May	SB 359-Wieland
SB 320-Roberts	SB 360-Wieland
SB 321-Roberts	SB 361-Wieland
SB 322-Roberts	SB 362-Wieland
SB 323-May	SB 363-Mosley
SB 324-Hegeman	SB 364-Mosley

SB 365-Wieland	SB 405-Luetkemeyer
SB 366-Wieland	SB 406-Cierpiot
SB 367-Hoskins	SB 407-Beck
SB 368-Arthur	SB 408-Wieland
SB 369-White	SB 409-Koenig
SB 370-Brown	SB 410-Koenig
SB 371-Rizzo	SB 411-Schatz
SB 372-Riddle	SB 412-Moon
SB 373-Bean	SB 413-Moon
SB 374-Luetkemeyer	SB 414-Brattin
SB 375-Eigel	SB 415-Rehder
SB 376-Hegeman	SB 416-Schupp
SB 377-Eslinger	SB 417-Schupp
SB 378-Onder	SB 418-Crawford
SB 379-O’Laughlin	SB 419-Washington
SB 380-Moon	SB 420-Washington
SB 381-Burlison	SB 421-Bernskoetter
SB 382-Burlison	SB 422-May
SB 383-Moon	SB 423-May
SB 384-Brown	SB 424-May
SB 385-Brown	SB 425-May
SB 386-Eslinger	SB 426-Moon
SB 387-Hough	SB 427-Moon
SB 388-Burlison	SB 428-Razer
SB 389-Hegeman	SB 429-Brown
SB 390-Luetkemeyer	SB 430-Brown
SB 391-Moon	SB 431-Bernskoetter
SB 392-Moon	SB 432-Cierpiot
SB 393-Moon	SB 433-Wieland
SB 394-Moon	SB 434-Washington
SB 395-Brattin	SB 435-Hoskins
SB 396-Brattin	SB 436-Hoskins
SB 397-Rehder	SB 437-Hoskins
SB 398-Eigel	SB 438-Rehder
SB 399-Eigel	SB 439-Hegeman
SB 400-Onder	SB 440-Washington
SB 401-Onder	SB 441-Washington
SB 402-Onder	SJR 1-Hegeman
SB 403-Onder	SJR 2-Onder
SB 404-Riddle	SJR 3-Hoskins

SJR 4-Koenig
SJR 5-Eigel
SJR 6-Eigel
SJR 7-Eigel
SJR 8-Cierpiot
SJR 9-Cierpiot
SJR 10-Cierpiot
SJR 11-Burlison
SJR 12-Luetkemeyer
SJR 13-Brattin
SJR 14-Brattin

SJR 15-Eslinger
SJR 16-Eslinger
SJR 17-Washington
SJR 18-Eigel
SJR 19-Cierpiot
SJR 20-Cierpiot
SJR 21-Schatz
SJR 22-Mosley
SJR 23-Roberts
SJR 24-Luetkemeyer
SJR 25-Moon

HOUSE BILLS ON SECOND READING

HCS for HB 429

HCS for HB 430

THIRD READING OF SENATE BILLS

SS for SB 2-Hegeman

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 51 & 42-Luetkemeyer, with SCS

SBs 55, 23 & 25-O’Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

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Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 28, 2021

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

The Reverend Carl Gauck offered the following prayer:

“O taste and see that the Lord is good; happy are those who take refuge in Him.” (Psalm 34:8)

Marvelous God, You do provide us with what is truly needed, food for our bodies, work for our minds and love for our hearts that we can share with those You have given to us. And as we finish up this week, we are grateful for our work here and at home, and as we return to those we love, may we express our gratitude to them for all they do for us and to You our God in the various ways You provide us to do so. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
May	Moon	Mosley	Razer	Rehder	Riddle	Roberts
Rowden	Schatz	Schupp	Washington	White	Wieland	Williams—28

Absent—Senators—None

Absent with leave—Senators

Burlison	Eigel	Koenig	O’Laughlin	Onder	Rizzo—6
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Vacancies—None

RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 50, regarding Dock Phelps, IV, Centerview, which was adopted.

Senator Hoskins offered Senate Resolution No. 51, regarding Christian Lockard, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 52, regarding Thomas Ryne Mertes, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 53, regarding Jonathan William Goodwin, Warrensburg, which was adopted.

On behalf of Senator O’Laughlin, Senator Rowden offered Senate Resolution No. 54, regarding Patricia Gooch, Hannibal, which was adopted.

On behalf of Senator O’Laughlin, Senator Rowden offered Senate Resolution No. 55, regarding Michael Nease, Hannibal, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 442—By Moon.

An Act to repeal sections 568.060 and 578.421, RSMo, and to enact in lieu thereof three new sections relating to gender reassignment, with penalty provisions.

SB 443—By Moon.

An Act to repeal sections 1.205 and 188.015, RSMo, and to enact in lieu thereof two new sections relating to the right to life.

SB 444—By May.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to life insurance, with a penalty provision.

SB 445—By May.

An Act to amend chapter 191, RSMo, by adding thereto five new sections relating to safe consumption facilities.

SB 446—By Washington.

An Act to repeal section 211.071, RSMo, and to enact in lieu thereof one new section relating to certification of juveniles for trial as an adult, with existing penalty provision.

SB 447—By Schupp.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to pregnancy-related services.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI

January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sue Allen, Republican, 13198 South Outer 40 Road, Apartment 208, Town and Country, Saint Louis County, Missouri 63017, as a member of the State Board of Health and Senior Services, for a term ending October 13, 2024, and until her successor is duly appointed and qualified; vice, RSMO 191.400.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brent Thomas Buerck, Republican, 311 Huber Road, Perryville, Perry County, Missouri 63775, as a member of the Missouri Development Finance Board, for a term ending September 14, 2022, and until his successor is duly appointed and qualified; vice, Rick Holton, Jr., withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy Faber, Republican, 292 Faith Boulevard, Laurie, Morgan County, Missouri 65037, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2026, and until his successor is duly appointed and qualified; vice, Jaye Jackson, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cindy Fox, 2580 Bates Road, O'Fallon, Saint Charles County, Missouri 63368, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2025, and until her successor is duly appointed and qualified; vice, Cindy Fox, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert Goodrich, 19495 Brownville Road, Waynesville, Pulaski County, Missouri 65583, as a member of the Missouri Propane Safety Commission, for a term ending June 30, 2022, and until his successor is duly appointed and qualified; vice, Larry L. Butler, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Derek M. Holland, Republican, 1128 Lakecrest Circle, Raymore, Cass County, Missouri 64083, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2026, and until his successor is duly appointed and qualified; vice, David C. Thomas, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rick Holton, Jr., Republican, 12 Upper Ladue Road, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2024, and until his successor is duly appointed and qualified; vice, Clifford Kent Holekamp, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dr. Adriatik Likcani, Independent, 1500 Lexington Court, Warrensburg, Johnson County, Missouri 64093, as a member of the

State Committee of Marital and Family Therapists, for a term ending January 26, 2026, and until his successor is duly appointed and qualified; vice, Dr. Adriatik Likcani, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle Luster, 718 Benvenue Drive, Saint Louis, Saint Louis City, Missouri 63137, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2021, and until her successor is duly appointed and qualified; vice, Michelle Luster, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments and reappointments to the Committee on Gubernatorial Appointments.

GOVERNOR
STATE OF MISSOURI
January 28, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments:

Samuel Adams, 610 Palace Court, Saint Louis, Saint Louis County, Missouri 63135, as a member of the State Board of Mediation, for a term ending April 1, 2021, and until his successor is duly appointed and qualified; vice, Robert G. Miller, term expired.

Frederic M. Steinbach, 237 South Greentrails Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2022, and until his successor is duly appointed and qualified; vice, Frederic M. Steinbach, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz moved that the above withdrawal letters be returned to the Governor, per his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dale Hardy Roberts, as a member of the State Board of Mediation;

Also,

Celeste Cramer and Tony Bryan, as members of the Missouri Workforce Development Board;

Also,

Stacie M. Scrivner, as a member of the Missouri Dental Board;

Also,

Meghan M. Arnold, Republican, as a member of the State Board of Podiatric Medicine;

Also,

Dr. Stacia R. Bradley Brown, Independent, as a member of the Lincoln University Board of Curators;

Also,

Dan E. Cranshaw, Democrat, as a member of the Missouri Development Finance Board;

Also,

Danny P. Chadakhtzian, Independent, as a member of the Missouri Housing Development Commission;

Also,

Brian Gerau, Republican, as a member of the Missouri Agricultural and Small Business Development Authority; and

Mary Meyer Keyes, as a member of the Children's Trust Fund Board.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Hough, Chairman of the Committee on Government Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Government Accountability and Fiscal Oversight, to which was referred **SB 10**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden assumed the Chair.

THIRD READING OF SENATE BILLS

SS for **SB 2**, introduced by Senator Hegeman, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 2

An Act to repeal sections 620.2005 and 620.2010, RSMo, and to enact in lieu thereof two new sections relating to economic incentives for the creation of military jobs, with an emergency clause.

Was taken up.

On motion of Senator Hegeman, **SS** for **SB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
May	Moon	Mosley	Razer	Rehder	Riddle	Roberts
Rowden	Schatz	Schupp	Washington	White	Wieland	Williams—28

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Burlison	Eigel	Koenig	O’Laughlin	Onder	Rizzo—6
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
May	Mosley	Razer	Rehder	Riddle	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senators

Burlison	Eigel	Koenig	O’Laughlin	Onder	Rizzo—6
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Vacancies—None

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 161—Local Government and Elections.

SB 162—Local Government and Elections.

SB 163—Commerce, Consumer Protection, Energy and the Environment.

SB 164—Transportation, Infrastructure and Public Safety.

SB 165—Transportation, Infrastructure and Public Safety.

SB 166—Education.

SB 167—Education.

SB 168—Health and Pensions.

SB 169—Judiciary and Civil and Criminal Jurisprudence.

SB 170—Local Government and Elections.

SB 171—Judiciary and Civil and Criminal Jurisprudence.

SB 172—Commerce, Consumer Protection, Energy and the Environment.

SB 173—Seniors, Families, Veterans & Military Affairs.

SB 174—Economic Development.

SB 175—Local Government and Elections.

SB 176—Transportation, Infrastructure and Public Safety.

SB 177—Seniors, Families, Veterans & Military Affairs.

SB 178—Commerce, Consumer Protection, Energy and the Environment.

SB 179—Governmental Accountability and Fiscal Oversight.

SB 180—General Laws.

SB 181—Judiciary and Civil and Criminal Jurisprudence.

SB 182—Small Business and Industry.

SB 183—Small Business and Industry.

SB 184—Commerce, Consumer Protection, Energy and the Environment.

SB 185—Commerce, Consumer Protection, Energy and the Environment.

SB 186—General Laws.

SB 187—Progress and Development.

SB 188—Economic Development.

SB 189—Progress and Development.

SB 190—Judiciary and Civil and Criminal Jurisprudence.

SB 191—Select Committee on Redistricting.

SB 192—Health and Pensions.

SB 193—Health and Pensions.

SB 194—Professional Registration.

SB 195—Transportation, Infrastructure and Public Safety.

SB 196—Ways and Means.

SB 197—Judiciary and Civil and Criminal Jurisprudence.

SB 198—Seniors, Families, Veterans & Military Affairs.

SB 199—Seniors, Families, Veterans & Military Affairs.

SB 200—General Laws.

SB 201—Agriculture, Food Production and Outdoor Resources.

SB 202—Commerce, Consumer Protection, Energy and the Environment.

SB 203—Transportation, Infrastructure and Public Safety.

SB 204—Education.

SB 205—Transportation, Infrastructure and Public Safety.

SB 206—Seniors, Families, Veterans & Military Affairs.

SB 207—Professional Registration.

SB 208—Commerce, Consumer Protection, Energy and the Environment.

SB 209—Insurance and Banking.

SB 210—Judiciary and Civil and Criminal Jurisprudence.

SB 211—Judiciary and Civil and Criminal Jurisprudence.

SB 212—Judiciary and Civil and Criminal Jurisprudence.

SB 213—Judiciary and Civil and Criminal Jurisprudence.

SB 214—Commerce, Consumer Protection, Energy and the Environment.

SB 215—Economic Development.

SRB 216—Governmental Accountability and Fiscal Oversight.

SB 217—Appropriations.

SB 218—Education.

SB 219—Education.

SB 220—Ways and Means.

SB 221—Ways and Means.

SB 222—Small Business and Industry.

SB 223—Professional Registration.

SB 224—Health and Pensions.

SB 225—General Laws.

SB 226—Ways and Means.

SB 227—Economic Development.

SB 228—Ways and Means.

SB 229—Ways and Means.

SB 230—Commerce, Consumer Protection, Energy and the Environment.

SB 231—Rules, Joint Rules, Resolutions and Ethics.

SB 232—Professional Registration.

SB 233—Local Government and Elections.

SB 234—Judiciary and Civil and Criminal Jurisprudence.

SB 235—Agriculture, Food Production and Outdoor Resources.

SB 236—Agriculture, Food Production and Outdoor Resources.

SB 237—Local Government and Elections.

SB 238—Transportation, Infrastructure and Public Safety.

SB 239—Transportation, Infrastructure and Public Safety.

SB 240—Education.

SB 241—General Laws.

SB 242—Small Business and Industry.

SB 243—Agriculture, Food Production and Outdoor Resources.

SB 244—General Laws.

SB 245—Ways and Means.

SB 246—Commerce, Consumer Protection, Energy and the Environment.

SB 247—Local Government and Elections.

SB 248—Ways and Means.

SB 249—Commerce, Consumer Protection, Energy and the Environment.

SB 250—Transportation, Infrastructure and Public Safety.

SB 251—Education.

SB 252—Transportation, Infrastructure and Public Safety.

SB 253—Economic Development.

SB 254—Agriculture, Food Production and Outdoor Resources.

SB 255—Local Government and Elections.

SB 256—Appropriations.

SB 257—Professional Registration.

SB 258—Seniors, Families, Veterans & Military Affairs.

SB 259—Education.

SB 260—Education.

SB 261—Insurance and Banking.

SB 262—Transportation, Infrastructure and Public Safety.

COMMUNICATIONS

January 28, 2021

Ms. Adriane Crouse

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Crouse;

Please be advised that I am hereby appointing Senator Denny Hoskins to the “Select” Committee on Redistricting which will now consist of 14 members.

Please do not hesitate to contact me should you need any assistance.

Sincerely,



Dave Schatz

President Pro Tem

On motion of Senator White, the Senate adjourned until 4:00 p.m, Monday, February 1, 2021.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, FEBRUARY 1, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 263-Crawford
SB 264-Arthur
SB 265-Eslinger

SB 266-Mosley
SB 267-Mosley
SB 268-Mosley

SB 269-Mosley	SB 320-Roberts
SB 270-Mosley	SB 321-Roberts
SB 271-Mosley	SB 322-Roberts
SB 272-Mosley	SB 323-May
SB 273-Mosley	SB 324-Hegeman
SB 274-Mosley	SB 325-Hegeman
SB 275-Mosley	SB 326-Beck
SB 276-Mosley	SB 327-Koenig
SB 277-Mosley	SB 328-Rowden
SB 278-Mosley	SB 329-Rowden
SB 279-Mosley	SB 330-Burlison
SB 280-Cierpiot	SB 331-Burlison
SB 281-Brown	SB 332-Burlison
SB 282-Hegeman	SB 333-Burlison
SB 283-Hoskins	SB 334-Bernskoetter
SB 284-Crawford	SB 335-Brattin
SB 285-Arthur	SB 336-Brattin
SB 286-Hough	SB 337-Riddle
SB 287-Crawford	SB 338-Luetkemeyer
SB 288-Eigel	SB 339-Luetkemeyer
SB 289-Brown	SB 340-White
SB 290-Hegeman	SB 341-White
SB 291-Brown	SB 342-White
SB 292-Schupp	SB 343-Brown
SB 293-Hoskins	SB 344-Brown
SB 294-Hoskins	SB 345-Brown
SB 295-Crawford	SB 346-O'Laughlin
SB 296-Brattin	SB 347-O'Laughlin
SB 297-Roberts	SB 348-O'Laughlin
SB 298-Arthur	SB 349-Roberts
SB 299-Bernskoetter	SB 350-White
SB 300-Bernskoetter	SB 351-Koenig
SB 301-Bernskoetter	SB 352-Koenig
SB 302-Gannon	SB 353-Moon
SB 303-Gannon	SB 354-Hoskins
SB 304-Eslinger	SB 355-Hoskins
SB 305-Roberts	SB 356-May
SB 306-Bernskoetter	SB 357-Washington
SB 307-Brown	SB 358-Arthur
SB 308-Koenig	SB 359-Wieland
SB 309-Hegeman	SB 360-Wieland
SB 310-Crawford	SB 361-Wieland
SB 311-Roberts	SB 362-Wieland
SB 312-Roberts	SB 363-Mosley
SB 313-Eigel	SB 364-Mosley
SB 314-Hough	SB 365-Wieland
SB 315-Hough	SB 366-Wieland
SB 316-Hough	SB 367-Hoskins
SB 317-May	SB 368-Arthur
SB 318-May	SB 369-White
SB 319-May	SB 370-Brown

SB 371-Rizzo	SB 421-Bernskoetter
SB 372-Riddle	SB 422-May
SB 373-Bean	SB 423-May
SB 374-Luetkemeyer	SB 424-May
SB 375-Eigel	SB 425-May
SB 376-Hegeman	SB 426-Moon
SB 377-Eslinger	SB 427-Moon
SB 378-Onder	SB 428-Razer
SB 379-O’Laughlin	SB 429-Brown
SB 380-Moon	SB 430-Brown
SB 381-Burlison	SB 431-Bernskoetter
SB 382-Burlison	SB 432-Cierpiot
SB 383-Moon	SB 433-Wieland
SB 384-Brown	SB 434-Washington
SB 385-Brown	SB 435-Hoskins
SB 386-Eslinger	SB 436-Hoskins
SB 387-Hough	SB 437-Hoskins
SB 388-Burlison	SB 438-Rehder
SB 389-Hegeman	SB 439-Hegeman
SB 390-Luetkemeyer	SB 440-Washington
SB 391-Moon	SB 441-Washington
SB 392-Moon	SB 442-Moon
SB 393-Moon	SB 443-Moon
SB 394-Moon	SB 444-May
SB 395-Brattin	SB 445-May
SB 396-Brattin	SB 446-Washington
SB 397-Rehder	SB 447-Schupp
SB 398-Eigel	SJR 1-Hegeman
SB 399-Eigel	SJR 2-Onder
SB 400-Onder	SJR 3-Hoskins
SB 401-Onder	SJR 4-Koenig
SB 402-Onder	SJR 5-Eigel
SB 403-Onder	SJR 6-Eigel
SB 404-Riddle	SJR 7-Eigel
SB 405-Luetkemeyer	SJR 8-Cierpiot
SB 406-Cierpiot	SJR 9-Cierpiot
SB 407-Beck	SJR 10-Cierpiot
SB 408-Wieland	SJR 11-Burlison
SB 409-Koenig	SJR 12-Luetkemeyer
SB 410-Koenig	SJR 13-Brattin
SB 411-Schatz	SJR 14-Brattin
SB 412-Moon	SJR 15-Eslinger
SB 413-Moon	SJR 16-Eslinger
SB 414-Brattin	SJR 17-Washington
SB 415-Rehder	SJR 18-Eigel
SB 416-Schupp	SJR 19-Cierpiot
SB 417-Schupp	SJR 20-Cierpiot
SB 418-Crawford	SJR 21-Schatz
SB 419-Washington	SJR 22-Mosley
SB 420-Washington	SJR 23-Roberts

SJR 24-Luetkemeyer

SJR 25-Moon

HOUSE BILLS ON SECOND READING

HCS for HB 429

HCS for HB 430

SENATE BILLS FOR PERFECTION

SB 10-Schatz

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 51 & 42-Luetkemeyer, with SCS

SBs 55, 23 & 25-O'Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

✓

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY—MONDAY, FEBRUARY 1, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Teach me to do Your will, for you are my God. Let Your good spirit lead me on a level path.” (Psalm 143:10)

Heavenly Father, we are thankful for our safe travel and now we ask that as we approach the work before us, we do so having listened to Your teaching and ask that Your spirit be with us so that the path You have laid out for us is known. And Lord help us stay on level ground in our thinking and in the decisions that we make this week. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 28, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators						
Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Koenig O’Laughlin—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senators May, Williams, Washington, Mosley and Roberts offered Senate Resolution No. 56, regarding the 134th Anniversary of the birth of Ethel Hedgeman Lyle, founder of Alpha Kappa Alpha Sorority, Incorporated, which was adopted.

Senator Riddle offered Senate Resolution No. 57, regarding Dakota Tackett, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 58, regarding C.J. Tackett, Troy, which was adopted.

Senator Roberts offered Senate Resolution No. 59, regarding Carolyn Anderson Beimdiek, which was adopted.

CONCURRENT RESOLUTIONS

Senator Hegeman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

Relating to the North Central Missouri Regional Water Commission.

Whereas, the General Assembly recognizes the need for all Missourians and all geographic areas of the state to have access to a reliable and safe water supply; and

Whereas, the Multipurpose Water Resource Act, set forth in Sections 256.435 to 256.445 of the Revised Statutes of Missouri, permits the Missouri Department of Natural Resources to participate in the development, construction, or renovation of approved water resource projects, which may include the use of money in the Multipurpose Water Resource Program Fund established in the state treasury to carry out approved water resource projects; and

Whereas, the North Central Missouri Regional Water Commission is sponsoring a project to develop a long-term water resource reservoir for a ten county area in north central Missouri - the reservoir to be located in Sullivan County; and

Whereas, the North Central Missouri Regional Water Commission's project has been approved in accordance with the Multipurpose Water Resource Act to receive funds from the Multipurpose Water Resource Program Fund; and

Whereas, the North Central Missouri Regional Water Commission expects the U.S. Army Corps of Engineers to issue a Record of Decision and permit the commencement of construction of the reservoir in the current calendar year (2021); and

Whereas, the North Central Missouri Regional Water Commission requires funding that exceeds the current balance in the Multipurpose Water Resource Program Fund. Therefore, once a Record of Decision is issued, the North Central Missouri Regional Water Commission intends to secure a loan and grant package from the United States Department of Agriculture - Rural Development. The funding package will consolidate the North Central Missouri Regional Water Commission's debt and provide funding for construction of the reservoir. The North Central Missouri Regional Water Commission's funding package could total 48.5 million dollars with a thirty five year repayment schedule; and

Whereas, as a stipulation of the Letter of Conditions between the United States Department of Agriculture - Rural Development and the North Central Missouri Regional Water Commission, it will be necessary for the state to enter into an agreement with the North Central Missouri Regional Water Commission for financial assurances associated with loans made from the United States Department of Agriculture - Rural Development and the North Central Missouri Regional Water Commission; and

Whereas, it may be additionally necessary for the state to annually appropriate, and for the Missouri Department of Natural Resources to allocate, funds from the Multipurpose Water Resource Program Fund over the thirty five year repayment term of the United States Department of Agriculture - Rural Development loan:

Now, Therefore Be It Resolved, that the members of the Missouri Senate of the One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the funding of the North Central Missouri Regional Water Commission project by the state entering into a long-term commitment of money in the Multipurpose Water Resource Program Fund, subject to appropriations; provided that the total annual cost does not exceed 1.5 million dollars, and the total cost over the life of the contract does not exceed 24 million dollars; and

Be It Further Resolved that the members of the General Assembly support the following:

1. The payment of debt service to the United States Department of Agriculture - Rural Development on behalf of the North Central Missouri Regional Water Commission, which shall be payable from future appropriations to be made by the General Assembly of General Revenue funds to the Multipurpose Water Resource Program Fund; and

2. Pursuant to Article IV, Section 28 of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriation for the purposes enumerated herein. It is the present intent of the General Assembly that during each of the fiscal years in which the state has entered into an agreement for long-term support of a project, General Revenue be appropriated to the Multipurpose Water Resource Program Fund in an amount sufficient to fulfill the obligations of the contract between the state and the North Central Missouri Regional Water Commission; and

Be It Further Resolved that this resolution shall be approved or rejected by the Governor pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 448—By Rowden.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to visiting scholars teaching certificates.

SB 449—By Rowden.

An Act to repeal section 252.100, RSMo, and to enact in lieu thereof one new section relating to searches and seizures by certain law enforcement officers, with an existing penalty provision.

SB 450—By Moon.

An Act to repeal sections 188.027 and 188.052, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

SB 451—By Moon.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof two new sections relating to taxation.

SB 452—By Moon.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated motor vehicles, with penalty provisions.

SB 453—By Burlison and Luetkemeyer.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to a cause of action against a public body for offering certain services.

SB 454—By White.

An Act to repeal sections 193.075 and 210.150, RSMo, and to enact in lieu thereof three new sections relating to child protection, with existing penalty provisions.

SB 455—By White.

An Act to repeal section 488.012, RSMo, and to enact in lieu thereof one new section relating to court costs.

SB 456—By Schupp.

An Act to repeal section 408.512, RSMo, and to enact in lieu thereof one new section relating to traditional installment loan lenders.

SB 457—By Rizzo.

An Act to repeal section 210.201, RSMo, and to enact in lieu thereof one new section relating to Montessori schools.

SB 458—By Brattin.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to abortion, with penalty provisions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 16**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 37**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 49**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

INTRODUCTION OF GUESTS

President Kehoe introduced to the Senate, Chris Chinn, Clarence.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, FEBRUARY 2, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 263-Crawford
SB 264-Arthur
SB 265-Eslinger

SB 266-Mosley
SB 267-Mosley
SB 268-Mosley

SB 269-Mosley	SB 317-May
SB 270-Mosley	SB 318-May
SB 271-Mosley	SB 319-May
SB 272-Mosley	SB 320-Roberts
SB 273-Mosley	SB 321-Roberts
SB 274-Mosley	SB 322-Roberts
SB 275-Mosley	SB 323-May
SB 276-Mosley	SB 324-Hegeman
SB 277-Mosley	SB 325-Hegeman
SB 278-Mosley	SB 326-Beck
SB 279-Mosley	SB 327-Koenig
SB 280-Cierpiot	SB 328-Rowden
SB 281-Brown	SB 329-Rowden
SB 282-Hegeman	SB 330-Burlison
SB 283-Hoskins	SB 331-Burlison
SB 284-Crawford	SB 332-Burlison
SB 285-Arthur	SB 333-Burlison
SB 286-Hough	SB 334-Bernskoetter
SB 287-Crawford	SB 335-Brattin
SB 288-Eigel	SB 336-Brattin
SB 289-Brown	SB 337-Riddle
SB 290-Hegeman	SB 338-Luetkemeyer
SB 291-Brown	SB 339-Luetkemeyer
SB 292-Schupp	SB 340-White
SB 293-Hoskins	SB 341-White
SB 294-Hoskins	SB 342-White
SB 295-Crawford	SB 343-Brown
SB 296-Brattin	SB 344-Brown
SB 297-Roberts	SB 345-Brown
SB 298-Arthur	SB 346-O'Laughlin
SB 299-Bernskoetter	SB 347-O'Laughlin
SB 300-Bernskoetter	SB 348-O'Laughlin
SB 301-Bernskoetter	SB 349-Roberts
SB 302-Gannon	SB 350-White
SB 303-Gannon	SB 351-Koenig
SB 304-Eslinger	SB 352-Koenig
SB 305-Roberts	SB 353-Moon
SB 306-Bernskoetter	SB 354-Hoskins
SB 307-Brown	SB 355-Hoskins
SB 308-Koenig	SB 356-May
SB 309-Hegeman	SB 357-Washington
SB 310-Crawford	SB 358-Arthur
SB 311-Roberts	SB 359-Wieland
SB 312-Roberts	SB 360-Wieland
SB 313-Eigel	SB 361-Wieland
SB 314-Hough	SB 362-Wieland
SB 315-Hough	SB 363-Mosley
SB 316-Hough	SB 364-Mosley

SB 365-Wieland	SB 414-Brattin
SB 366-Wieland	SB 415-Rehder
SB 367-Hoskins	SB 416-Schupp
SB 368-Arthur	SB 417-Schupp
SB 369-White	SB 418-Crawford
SB 370-Brown	SB 419-Washington
SB 371-Rizzo	SB 420-Washington
SB 372-Riddle	SB 421-Bernskoetter
SB 373-Bean	SB 422-May
SB 374-Luetkemeyer	SB 423-May
SB 375-Eigel	SB 424-May
SB 376-Hegeman	SB 425-May
SB 377-Eslinger	SB 426-Moon
SB 378-Onder	SB 427-Moon
SB 379-O'Laughlin	SB 428-Razer
SB 380-Moon	SB 429-Brown
SB 381-Burlison	SB 430-Brown
SB 382-Burlison	SB 431-Bernskoetter
SB 383-Moon	SB 432-Cierpiot
SB 384-Brown	SB 433-Wieland
SB 385-Brown	SB 434-Washington
SB 386-Eslinger	SB 435-Hoskins
SB 387-Hough	SB 436-Hoskins
SB 388-Burlison	SB 437-Hoskins
SB 389-Hegeman	SB 438-Rehder
SB 390-Luetkemeyer	SB 439-Hegeman
SB 391-Moon	SB 440-Washington
SB 392-Moon	SB 441-Washington
SB 393-Moon	SB 442-Moon
SB 394-Moon	SB 443-Moon
SB 395-Brattin	SB 444-May
SB 396-Brattin	SB 445-May
SB 397-Rehder	SB 446-Washington
SB 398-Eigel	SB 447-Schupp
SB 399-Eigel	SB 448-Rowden
SB 400-Onder	SB 449-Rowden
SB 401-Onder	SB 450-Moon
SB 402-Onder	SB 451-Moon
SB 403-Onder	SB 452-Moon
SB 404-Riddle	SB 453-Burlison and Luetkemeyer
SB 405-Luetkemeyer	SB 454-White
SB 406-Cierpiot	SB 455-White
SB 407-Beck	SB 456-Schupp
SB 408-Wieland	SB 457-Rizzo
SB 409-Koenig	SB 458-Brattin
SB 410-Koenig	SJR 1-Hegeman
SB 411-Schatz	SJR 2-Onder
SB 412-Moon	SJR 3-Hoskins
SB 413-Moon	SJR 4-Koenig

SJR 5-Eigel
SJR 6-Eigel
SJR 7-Eigel
SJR 8-Cierpiot
SJR 9-Cierpiot
SJR 10-Cierpiot
SJR 11-Burlison
SJR 12-Luetkemeyer
SJR 13-Brattin
SJR 14-Brattin
SJR 15-Eslinger

SJR 16-Eslinger
SJR 17-Washington
SJR 18-Eigel
SJR 19-Cierpiot
SJR 20-Cierpiot
SJR 21-Schatz
SJR 22-Mosley
SJR 23-Roberts
SJR 24-Luetkemeyer
SJR 25-Moon

HOUSE BILLS ON SECOND READING

HCS for HB 429
HCS for HB 430

HCS for HB 16

SENATE BILLS FOR PERFECTION

SB 10-Schatz
SB 1-Hegeman

SB 37-Bernskoetter
SB 49-Brown, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 51 & 42-Luetkemeyer, with SCS

SBs 55, 23 & 25-O'Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

To be Referred

SCR 7-Hegeman

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 2, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“He has told you, O mortal, what is good and what does the Lord require of you but to do justice, and to love kindness and to walk humbly with your God?” (Micah 6:8)

Righteous God, we know what is required of us and we pray that in all our encounters and work with others we may truly deal with each other in ways that are kind and just, providing righteousness in all that we do and justice for the people we meet. Help us Lord to hear one another clearly and make decisions that makes today better than yesterday. And may we always walk humbly with You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 60, regarding Corrections Officer I (COI) Edward Lee McKinney, Fulton, which was adopted.

Senator Rowden offered Senate Resolution No. 61, regarding the Seventieth Birthday of Sam Winn Bornhauser, Columbia, which was adopted.

Senator Eslinger offered Senate Resolution No. 62, regarding Shirley Hunt, Doniphan, which was adopted.

Senator Eslinger offered Senate Resolution No. 63, regarding Debra A. Pearson, Fairdealing, which was adopted.

CONCURRENT RESOLUTIONS

Senator Hoskins offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

Relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.

Whereas, Article V of the Constitution of the United States requires a convention to be called by the Congress of the United States for the purpose of proposing an amendment to the Constitution upon application of two-thirds of the Legislatures of the several states; and

Whereas, the Legislature of the State of Missouri favors a proposal and ratification of an amendment to the U.S. Constitution, which shall set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and as a member of the United States Senate; and

Whereas, the Ninety-ninth General Assembly of Missouri, Second Regular Session, adopted Senate Concurrent Resolution 40, which contained an application for an Article V Convention to propose an amendment identical to that proposed in this resolution, but provided that the application would expire five years after the passage of Senate Concurrent Resolution 40:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby make an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Be It Further Resolved that this application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Be It Further Resolved that this application hereby repeals, rescinds, cancels, renders null and void, and supercedes the application to the Congress of the United States for a convention under Article V of the Constitution of the United States by this state in Senate Concurrent Resolution No. 40 as adopted by the Ninety-ninth General Assembly, Second Regular Session; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 459—By Brattin.

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

SB 460—By May.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to community investment corporations.

SB 461—By Koenig.

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, and 191.975, RSMo, and to enact in lieu thereof seven new sections relating to tax relief for the costs of caring for certain children.

SB 462—By Koenig.

An Act to amend chapters 67 and 311, RSMo, by adding thereto two new sections relating to licenses issued by political subdivisions to businesses.

SB 463—By Koenig.

An Act to repeal section 595.201, RSMo, and to enact in lieu thereof one new section relating to victims of sexual assault.

SB 464—By Koenig.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the disclosure of personal information to public agencies, with penalty provisions.

SB 465—By Hoskins.

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to rural workforce development incentives.

SB 466—By Hoskins.

An Act to repeal section 215.020, RSMo, and to enact in lieu thereof one new section relating to the Missouri housing development commission.

SB 467—By Hoskins.

An Act to repeal sections 313.905 and 313.915, RSMo, and to enact in lieu thereof two new sections relating to gaming.

SB 468—By Hoskins.

An Act to repeal section 620.750, RSMo, and to enact in lieu thereof one new section relating to rural regional development grants.

SB 469—By Hoskins.

An Act to repeal section 100.265, RSMo, and to enact in lieu thereof one new section relating to the Missouri development finance board.

SB 470—By Hoskins.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to permit requirements

of political subdivisions for certain structures.

SJR 26—By Eslinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to health insurance.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 7—Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 429**—Ways and Means.

HCS for **HB 430**—Ways and Means.

HCS for **HB 16**—Appropriations.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Luetkemeyer moved that **SB 51** and **SB 42**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 51** and **42**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 51 & 42

An Act to amend chapter 537, RSMo, by adding thereto nine new sections relating to civil actions, with an emergency clause.

Was taken up.

Senator Luetkemeyer moved that **SCS** for **SBs 51** and **42** be adopted.

Senator Luetkemeyer offered **SS** for **SCS** for **SBs 51** and **42**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 51 & 42

An Act to amend chapter 537, RSMo, by adding thereto nine new sections relating to civil actions, with a penalty provision and an emergency clause.

Senator Luetkemeyer moved that **SS** for **SCS** for **SBs 51** and **42** be adopted.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

Senator Moon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 4, Section 537.1000, Line 112, by inserting after all of said line the following:

“(16) “Religious organization”, any church, synagogue, mosque, or any entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code;” and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, page 5, section 537.1005, line 11, by inserting after all of said line the following: **“2. No religious organization shall be liable in any COVID-19 exposure action.”**; and further amend line 27 by inserting after all of said line the following:

“No religious organization shall be required to post or maintain a sign containing the warning notice specified in this subsection.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Moon moved that the above amendment be adopted.

President Kehoe assumed the Chair.

Senator Razer offered **SA 1** to **SA 1**:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 1, Line 6, by inserting after the word “Code” the following: **“and has not received any benefits from the state or federal government including, but not limited to, federal Paycheck Protection Program benefits received as part of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136”**.

Senator Razer moved that the above amendment be adopted, which motion failed.

Senator Moon moved that **SA 1** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Crawford, Eigel, Rehder and Wieland.

SA 1 to **SS** for **SCS** for **SBs 51** and **42** was adopted by the following vote:

YEAS—Senators

Bean	Brattin	Burlison	Cierpiot	Crawford	Eigel	Eslinger
Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	Onder
Rehder	Wieland—16					

NAYS—Senators

Arthur	Beck	Hough	May	Mosley	Razer	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Williams—14

Absent—Senators

Bernskoetter	Brown	Riddle—3
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Absent with leave—Senator O’Laughlin—1

Vacancies—None

Senator Hough assumed the Chair.

Senator Schupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 1, In the Title, Line 3, by striking the words “civil actions” and inserting in lieu thereof the following: “COVID-19”; and

Further amend said bill and page, Section A, line 4, by inserting after all of said line the following:

“288.380. 1. Any agreement by a worker to waive, release, or commute such worker’s rights to benefits or any other rights pursuant to this chapter or pursuant to an employment security law of any other state or of the federal government shall be void. Any agreement by a worker to pay all or any portion of any contributions required shall be void. No employer shall directly or indirectly make any deduction from wages to finance the employer’s contributions required from him or her, or accept any waiver of any right pursuant to this chapter by any individual in his or her employ.

2. No employing unit or any agent of an employing unit or any other person shall make a false statement or representation knowing it to be false, nor shall knowingly fail to disclose a material fact to prevent or reduce the payment of benefits to any individual, nor to avoid becoming or remaining an employer, nor to avoid or reduce any contribution or other payment required from any employing unit, nor shall willfully fail or refuse to make any contributions or payments nor to furnish any required reports nor to produce or permit the inspection or copying of required records. Each such requirement shall apply regardless of whether it is a requirement of this chapter, of an employment security law of any other state or of the federal government.

3. No person shall make a false statement or representation knowing it to be false or knowingly fail to disclose a material fact, to obtain or increase any benefit or other payment pursuant to this chapter, or under an employment security law of any other state or of the federal government either for himself or herself or for any other person.

4. No person shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in such person’s power so to do in obedience to a subpoena of the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them.

5. No individual claiming benefits shall be charged fees of any kind in any proceeding pursuant to this chapter by the division, or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the division or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the division.

6. No employee of the division or any person who has obtained any list of applicants for work or of claimants for or recipients of benefits pursuant to this chapter shall use or permit the use of such lists for any political purpose.

7. Any person who shall willfully violate any provision of this chapter, or of an employment security law of any other state or of the federal government or any rule or regulation, the observance of which is required under the terms of any one of such laws, shall upon conviction be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, and each such violation or each day such violation continues shall be deemed to be a separate offense.

8. In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them shall have jurisdiction to issue to such person an order requiring such person to appear before the director, the commission, an appeals tribunal or any duly authorized representative of any one of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

9. (1) Any individual or employer who receives or denies unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose any material fact has committed fraud. After the discovery of facts indicating fraud, a deputy shall make a written determination that the individual obtained or denied unemployment benefits by fraud and that the individual must promptly repay the unemployment benefits to the fund. In addition, the deputy shall assess a penalty equal to twenty-five percent of the amount fraudulently obtained or denied. If division records indicate that the individual or employer had a prior established overpayment or record of denial due to fraud, the deputy shall, on the present overpayment or determination, assess a penalty equal to one hundred percent of the amount fraudulently obtained.

(2) Unless the individual or employer within thirty calendar days after notice of such determination of overpayment by fraud is either delivered in person or mailed to the last known address of such individual or employer files an appeal from such determination, it shall be final. Proceedings on the appeal shall be conducted in accordance with section 288.190.

(3) If the individual or employer fails to repay the unemployment benefits and penalty, assessed as a result of the deputy's determination that the individual or employer obtained or denied unemployment benefits by fraud, such sum shall be collectible in the manner provided in subsection 14 of this section for the recovery of overpaid unemployment compensation benefits. If the individual or employer fails to repay the unemployment benefits that the individual or employer denied or obtained by fraud, the division may offset from any future unemployment benefits otherwise payable the amount of the overpayment, or may take such steps as are necessary to effect payment from the individual or employer. Future benefits may not be used to offset the penalty due. Money received in repayment of fraudulently obtained or denied unemployment benefits and penalties shall first be applied to the unemployment benefits overpaid, then to the penalty amount due. Regarding and for payments made toward the penalty, an amount equal to fifteen percent of the total amount of benefits fraudulently obtained shall be immediately deposited into the state's unemployment compensation fund upon receipt and the remaining penalty amount shall be credited to the special employment security fund.

(4) If fraud or evasion on the part of any employer is discovered by the division, the employer will be subject to the fraud provisions of subsection 4 of section 288.160.

(5) The provisions of this subsection shall become effective July 1, 2005.

10. An individual who willfully fails to disclose amounts earned during any week with respect to which benefits are claimed by him or her, willfully fails to disclose or has falsified as to any fact which would have disqualified him or her or rendered him or her ineligible for benefits during such week, or willfully fails to disclose a material fact or makes a false statement or representation in order to obtain or increase any benefit pursuant to this chapter shall forfeit all of his or her benefit rights, and all of his or her wage credits accrued prior to the date of such failure to disclose or falsification shall be cancelled, and any benefits which might otherwise have become payable to him or her subsequent to such date based upon such wage credits shall be forfeited; except that, the division may, upon good cause shown, modify such reduction of benefits and cancellation of wage credits. It shall be presumed that such failure or falsification was willful in any case in which an individual signs and certifies a claim for benefits and fails to disclose or falsifies as to any fact relative to such claim.

11. (1) Any assignment, pledge, or encumbrance of any rights to benefits which are or may become due or payable pursuant to this chapter shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or the individual's spouse or dependents during the time such individual was unemployed. Any waiver of any exemption provided for in this subsection shall be void; except that this section shall not apply to:

(a) Support obligations, as defined pursuant to paragraph (g) of subdivision (2) of this subsection, which are being enforced by a state or local support enforcement agency against any individual claiming unemployment compensation pursuant to this chapter; or

(b) Uncollected overissuances (as defined in Section 13(c)(1) of the Food Stamp Act of 1977) of food stamp coupons.

(2) (a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes support obligations, as defined pursuant to paragraph (g) of this subdivision or owes uncollected overissuances of food stamp coupons (as defined in Section 13(c)(1) of the Food Stamp Act of 1977). If any such individual discloses that he or she owes support obligations or uncollected overissuances of food stamp coupons, and is determined to be eligible for unemployment compensation, the division shall notify the state or local support enforcement agency enforcing the support obligation or the state food stamp agency to which the uncollected food stamp overissuance is owed that such individual has been determined to be eligible for unemployment compensation;

(b) The division shall deduct and withhold from any unemployment compensation payable to an individual who owes support obligations as defined pursuant to paragraph (g) of this subdivision or who owes uncollected food stamp overissuances:

a. The amount specified by the individual to the division to be deducted and withheld pursuant to this paragraph if neither subparagraph b. nor subparagraph c. of this paragraph is applicable; or

b. The amount, if any, determined pursuant to an agreement submitted to the division pursuant to Section 454(20)(B)(i) of the Social Security Act by the state or local support enforcement agency, unless subparagraph c. of this paragraph is applicable; or the amount (if any) determined pursuant to an agreement submitted to the state food stamp agency pursuant to Section 13(c)(3)(a) of the Food Stamp Act of 1977; or

c. Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to properly served legal process, as that term is defined in Section 459(i) of the Social Security Act; or any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to Section 13(c)(3)(b) of the Food Stamp Act of 1977;

(c) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall be paid by the division to the appropriate state or local support enforcement agency or state food stamp agency;

(d) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall, for all purposes, be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local support enforcement agency in satisfaction of the individual's support obligations or to the state food stamp agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance;

(e) For purposes of paragraphs (a), (b), (c), and (d) of this subdivision, the term "unemployment compensation" means any compensation payable pursuant to this chapter, including amounts payable by the division pursuant to an agreement pursuant to any federal law providing for compensation, assistance, or allowances with respect to unemployment;

(f) Deductions will be made pursuant to this section only if appropriate arrangements have been made for reimbursement by the state or local support enforcement agency, or the state food stamp agency, for the administrative costs incurred by the division pursuant to this section which are attributable to support obligations being enforced by the state or local support enforcement agency or which are attributable to uncollected overissuances of food stamp coupons;

(g) The term "support obligations" is defined for purposes of this subsection as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services pursuant to Part D of Title IV of the Social Security Act;

(h) The term "state or local support enforcement agency", as used in this subsection, means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in paragraph (g) of this subdivision;

(i) The term "state food stamp agency" as used in this subsection means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in the Food Stamp Act of 1977;

(j) The director may prescribe the procedures to be followed and the form and contents of any documents required in carrying out the provisions of this subsection;

(k) The division shall comply with the following priority when deducting and withholding amounts from any unemployment compensation payable to an individual:

a. Before withholding any amount for child support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold from any unemployment compensation payable to an individual the amount, as determined by the division, owed pursuant to subsection 12 or 13 of this section;

b. If, after deductions are made pursuant to subparagraph a. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold

any remaining unemployment compensation amounts for application to child support obligations owed by the individual;

c. If, after deductions are made pursuant to subparagraphs a. and b. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes uncollected overissuances of food stamp coupons, the division shall deduct and withhold any remaining unemployment compensation amounts for application to uncollected overissuances of food stamp coupons owed by the individual.

12. Any person who, by reason of the nondisclosure or misrepresentation by such person or by another of a material fact, has received any sum as benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while he or she was disqualified from receiving benefits, shall, in the discretion of the division, either be liable to have such sums deducted from any future benefits payable to such person pursuant to this chapter or shall be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. The division may recover such sums in accordance with the provisions of subsection 14 of this section.

13. Any person who, by reason of any error or omission or because of a lack of knowledge of material fact on the part of the division, has received any sum of benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while such person was disqualified from receiving benefits, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190, in the discretion of the division, either be liable to have such sums deducted from any further benefits payable to such person pursuant to this chapter, or shall be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. The division may recover such sums in accordance with the provisions of subsection 14 of this section. However, the division may elect not to process such possible overpayments:

(1) Where the amount of same is not over twenty percent of the maximum state weekly benefit amount in effect at the time the error or omission was discovered; **or**

(2) **For any such sum paid to a person during the existence of a state of emergency declared by the governor due to COVID-19.**

14. Recovering overpaid unemployment compensation benefits shall be pursued by the division against any person receiving such overpaid unemployment compensation benefits through billing, setoffs against state and federal tax refunds to the extent permitted by federal law, intercepts of lottery winnings under section 313.321, and collection efforts as provided for in sections 288.160, 288.170, and 288.175.

15. Any person who has received any sum as benefits under the laws of another state, or under any unemployment benefit program of the United States administered by another state while any conditions for the receipt of benefits imposed by the law of such other state were not fulfilled in his or her case, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190 have such sums deducted from any further benefits payable to such person pursuant to this chapter, but only if there exists between this state and such other state a reciprocal agreement under which such entity agrees to recover benefit overpayments, in like fashion, on behalf of this state.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken.

She was joined in her request by Senators Arthur, Beck, Razer and Washington.

Senator Hegeman raised the point of order that SA 2 is out of order as it goes beyond the scope of the underlying bill.

President Kehoe assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Crawford assumed the Chair.

Senator Brattin offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 12, Section 537.1035, Line 16, by striking “(5)” and inserting in lieu thereof the following: “(6)”; and

Further amend said section, page 13, line 54, by inserting after all of said line the following:

“(6) Nothing in sections 537.1000 to 537.1040 shall be construed to affect the applicability of any provision of law providing for a cause of action for breach of a contract insuring against business interruption or for any action brought pursuant to section 375.296, alleging that an insurer has failed or refused to pay a contract insuring against business interruption.”.

Senator Brattin moved that the above amendment be adopted.

Senator Hough assumed the Chair.

Senator Wieland offered SA 1 to SA 3:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 1, Line 12, by inserting after the word “interruption.” the following: **“In any such cause of action, an insurer shall be entitled to raise all affirmative defenses to which it is entitled.”.**

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Luetkemeyer, SS for SCS for SBs 51 and 42 was withdrawn, rendering SA 3 moot.

Senator Luetkemeyer offered SS No. 2 for SCS for SBs 51 and 42, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 51 & 42

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to civil actions, with an emergency clause.

Senator Luetkemeyer moved that SS No. 2 for SCS for SBs 51 and 42 be adopted.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Pages 8-9, Section 537.1020, Lines 1-15, by striking all of said lines and inserting in lieu thereof the following:

“537.1020. In any COVID-19 related action, punitive damages:”.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 11, Section 537.1035, Line 80, by striking the words “a private” and inserting in lieu thereof the following: **“an”**.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Crawford offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 5, Section 537.1005, Lines 14-20, by striking all of said lines and inserting in lieu thereof the following: **“intentional misconduct.”**.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer moved that **SS No. 2** for **SCS** for **SBs 51** and **42**, as amended, be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS No. 2** for **SCS** for **SBs 51** and **42**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF GUESTS

Senator Washington introduced to the Senate, Bob Kendrick, Kansas City,

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 263-Crawford
SB 264-Arthur
SB 265-Eslinger

SB 266-Mosley
SB 267-Mosley
SB 268-Mosley

SB 269-Mosley	SB 313-Eigel
SB 270-Mosley	SB 314-Hough
SB 271-Mosley	SB 315-Hough
SB 272-Mosley	SB 316-Hough
SB 273-Mosley	SB 317-May
SB 274-Mosley	SB 318-May
SB 275-Mosley	SB 319-May
SB 276-Mosley	SB 320-Roberts
SB 277-Mosley	SB 321-Roberts
SB 278-Mosley	SB 322-Roberts
SB 279-Mosley	SB 323-May
SB 280-Cierpiot	SB 324-Hegeman
SB 281-Brown	SB 325-Hegeman
SB 282-Hegeman	SB 326-Beck
SB 283-Hoskins	SB 327-Koenig
SB 284-Crawford	SB 328-Rowden
SB 285-Arthur	SB 329-Rowden
SB 286-Hough	SB 330-Burlison
SB 287-Crawford	SB 331-Burlison
SB 288-Eigel	SB 332-Burlison
SB 289-Brown	SB 333-Burlison
SB 290-Hegeman	SB 334-Bernskoetter
SB 291-Brown	SB 335-Brattin
SB 292-Schupp	SB 336-Brattin
SB 293-Hoskins	SB 337-Riddle
SB 294-Hoskins	SB 338-Luetkemeyer
SB 295-Crawford	SB 339-Luetkemeyer
SB 296-Brattin	SB 340-White
SB 297-Roberts	SB 341-White
SB 298-Arthur	SB 342-White
SB 299-Bernskoetter	SB 343-Brown
SB 300-Bernskoetter	SB 344-Brown
SB 301-Bernskoetter	SB 345-Brown
SB 302-Gannon	SB 346-O'Laughlin
SB 303-Gannon	SB 347-O'Laughlin
SB 304-Eslinger	SB 348-O'Laughlin
SB 305-Roberts	SB 349-Roberts
SB 306-Bernskoetter	SB 350-White
SB 307-Brown	SB 351-Koenig
SB 308-Koenig	SB 352-Koenig
SB 309-Hegeman	SB 353-Moon
SB 310-Crawford	SB 354-Hoskins
SB 311-Roberts	SB 355-Hoskins
SB 312-Roberts	SB 356-May

SB 357-Washington	SB 401-Onder
SB 358-Arthur	SB 402-Onder
SB 359-Wieland	SB 403-Onder
SB 360-Wieland	SB 404-Riddle
SB 361-Wieland	SB 405-Luetkemeyer
SB 362-Wieland	SB 406-Cierpiot
SB 363-Mosley	SB 407-Beck
SB 364-Mosley	SB 408-Wieland
SB 365-Wieland	SB 409-Koenig
SB 366-Wieland	SB 410-Koenig
SB 367-Hoskins	SB 411-Schatz
SB 368-Arthur	SB 412-Moon
SB 369-White	SB 413-Moon
SB 370-Brown	SB 414-Brattin
SB 371-Rizzo	SB 415-Rehder
SB 372-Riddle	SB 416-Schupp
SB 373-Bean	SB 417-Schupp
SB 374-Luetkemeyer	SB 418-Crawford
SB 375-Eigel	SB 419-Washington
SB 376-Hegeman	SB 420-Washington
SB 377-Eslinger	SB 421-Bernskoetter
SB 378-Onder	SB 422-May
SB 379-O'Laughlin	SB 423-May
SB 380-Moon	SB 424-May
SB 381-Burlison	SB 425-May
SB 382-Burlison	SB 426-Moon
SB 383-Moon	SB 427-Moon
SB 384-Brown	SB 428-Razer
SB 385-Brown	SB 429-Brown
SB 386-Eslinger	SB 430-Brown
SB 387-Hough	SB 431-Bernskoetter
SB 388-Burlison	SB 432-Cierpiot
SB 389-Hegeman	SB 433-Wieland
SB 390-Luetkemeyer	SB 434-Washington
SB 391-Moon	SB 435-Hoskins
SB 392-Moon	SB 436-Hoskins
SB 393-Moon	SB 437-Hoskins
SB 394-Moon	SB 438-Rehder
SB 395-Brattin	SB 439-Hegeman
SB 396-Brattin	SB 440-Washington
SB 397-Rehder	SB 441-Washington
SB 398-Eigel	SB 442-Moon
SB 399-Eigel	SB 443-Moon
SB 400-Onder	SB 444-May

SB 445-May	SJR 1-Hegeman
SB 446-Washington	SJR 2-Onder
SB 447-Schupp	SJR 3-Hoskins
SB 448-Rowden	SJR 4-Koenig
SB 449-Rowden	SJR 5-Eigel
SB 450-Moon	SJR 6-Eigel
SB 451-Moon	SJR 7-Eigel
SB 452-Moon	SJR 8-Cierpiot
SB 453-Burlison and Luetkemeyer	SJR 9-Cierpiot
SB 454-White	SJR 10-Cierpiot
SB 455-White	SJR 11-Burlison
SB 456-Schupp	SJR 12-Luetkemeyer
SB 457-Rizzo	SJR 13-Brattin
SB 458-Brattin	SJR 14-Brattin
SB 459-Brattin	SJR 15-Eslinger
SB 460-May	SJR 16-Eslinger
SB 461-Koenig	SJR 17-Washington
SB 462-Koenig	SJR 18-Eigel
SB 463-Koenig	SJR 19-Cierpiot
SB 464-Koenig	SJR 20-Cierpiot
SB 465-Hoskins	SJR 21-Schatz
SB 466-Hoskins	SJR 22-Mosley
SB 467-Hoskins	SJR 23-Roberts
SB 468-Hoskins	SJR 24-Luetkemeyer
SB 469-Hoskins	SJR 25-Moon
SB 470-Hoskins	SJR 26-Eslinger

SENATE BILLS FOR PERFECTION

SB 10-Schatz	SB 37-Bernskoetter
SB 1-Hegeman	SB 49-Brown, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 55, 23 & 25-O’Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

To be Referred

SCR 8-Hoskins

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Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“For the Lord takes pleasure in his people; he adorns the humble with victory.” (Psalm 149:4)

Magnificent God, we would ask that You help us to put everything into perspective. Help us be realistic yet have a full measure of optimism about what we are doing. Send us hope that strengthens our minds to do and make things that are wrong right again. And may we be faithful to our calling as You have shown faithful love for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Eslinger O’Laughlin—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cierpiot offered Senate Resolution No. 64, regarding Kiersten Helm, Blue Springs, which was

adopted.

Senator Brattin offered Senate Resolution No. 65, regarding Jenna Perry, Liberal, which was adopted.

On behalf of Senator Eslinger, Senator Rowden offered Senate Resolution No. 66, regarding Felicity Cantrell, Seymour, which was adopted.

On behalf of Senator Eslinger, Senator Rowden offered Senate Resolution No. 67, regarding Ricanna Spargo, Naylor, which was adopted.

Senator Hoskins offered Senate Resolution No. 68, regarding Rachel Holt, Dawn, which was adopted.

Senator Riddle offered Senate Resolution No. 69, regarding Ethan Ridge, Troy, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 471—By Mosley.

An Act to amend chapter 217, RSMo, by adding thereto five new sections relating to the oversight of department of corrections facilities.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SBs 51** and **42**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF GUESTS

Senator Beck introduced to the Senate, Andrew Young, Bonne Terre.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 4, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 263-Crawford

SB 264-Arthur

SB 265-Eslinger

SB 266-Mosley

SB 267-Mosley

SB 268-Mosley

SB 269-Mosley	SB 309-Hegeman
SB 270-Mosley	SB 310-Crawford
SB 271-Mosley	SB 311-Roberts
SB 272-Mosley	SB 312-Roberts
SB 273-Mosley	SB 313-Eigel
SB 274-Mosley	SB 314-Hough
SB 275-Mosley	SB 315-Hough
SB 276-Mosley	SB 316-Hough
SB 277-Mosley	SB 317-May
SB 278-Mosley	SB 318-May
SB 279-Mosley	SB 319-May
SB 280-Cierpiot	SB 320-Roberts
SB 281-Brown	SB 321-Roberts
SB 282-Hegeman	SB 322-Roberts
SB 283-Hoskins	SB 323-May
SB 284-Crawford	SB 324-Hegeman
SB 285-Arthur	SB 325-Hegeman
SB 286-Hough	SB 326-Beck
SB 287-Crawford	SB 327-Koenig
SB 288-Eigel	SB 328-Rowden
SB 289-Brown	SB 329-Rowden
SB 290-Hegeman	SB 330-Burlison
SB 291-Brown	SB 331-Burlison
SB 292-Schupp	SB 332-Burlison
SB 293-Hoskins	SB 333-Burlison
SB 294-Hoskins	SB 334-Bernskoetter
SB 295-Crawford	SB 335-Brattin
SB 296-Brattin	SB 336-Brattin
SB 297-Roberts	SB 337-Riddle
SB 298-Arthur	SB 338-Luetkemeyer
SB 299-Bernskoetter	SB 339-Luetkemeyer
SB 300-Bernskoetter	SB 340-White
SB 301-Bernskoetter	SB 341-White
SB 302-Gannon	SB 342-White
SB 303-Gannon	SB 343-Brown
SB 304-Eslinger	SB 344-Brown
SB 305-Roberts	SB 345-Brown
SB 306-Bernskoetter	SB 346-O'Laughlin
SB 307-Brown	SB 347-O'Laughlin
SB 308-Koenig	SB 348-O'Laughlin

SB 349-Roberts	SB 390-Luetkemeyer
SB 350-White	SB 391-Moon
SB 351-Koenig	SB 392-Moon
SB 352-Koenig	SB 393-Moon
SB 353-Moon	SB 394-Moon
SB 354-Hoskins	SB 395-Brattin
SB 355-Hoskins	SB 396-Brattin
SB 356-May	SB 397-Rehder
SB 357-Washington	SB 398-Eigel
SB 358-Arthur	SB 399-Eigel
SB 359-Wieland	SB 400-Onder
SB 360-Wieland	SB 401-Onder
SB 361-Wieland	SB 402-Onder
SB 362-Wieland	SB 403-Onder
SB 363-Mosley	SB 404-Riddle
SB 364-Mosley	SB 405-Luetkemeyer
SB 365-Wieland	SB 406-Cierpiot
SB 366-Wieland	SB 407-Beck
SB 367-Hoskins	SB 408-Wieland
SB 368-Arthur	SB 409-Koenig
SB 369-White	SB 410-Koenig
SB 370-Brown	SB 411-Schatz
SB 371-Rizzo	SB 412-Moon
SB 372-Riddle	SB 413-Moon
SB 373-Bean	SB 414-Brattin
SB 374-Luetkemeyer	SB 415-Rehder
SB 375-Eigel	SB 416-Schupp
SB 376-Hegeman	SB 417-Schupp
SB 377-Eslinger	SB 418-Crawford
SB 378-Onder	SB 419-Washington
SB 379-O'Laughlin	SB 420-Washington
SB 380-Moon	SB 421-Bernskoetter
SB 381-Burlison	SB 422-May
SB 382-Burlison	SB 423-May
SB 383-Moon	SB 424-May
SB 384-Brown	SB 425-May
SB 385-Brown	SB 426-Moon
SB 386-Eslinger	SB 427-Moon
SB 387-Hough	SB 428-Razer
SB 388-Burlison	SB 429-Brown
SB 389-Hegeman	SB 430-Brown

SB 431-Bernskoetter	SB 465-Hoskins
SB 432-Cierpiot	SB 466-Hoskins
SB 433-Wieland	SB 467-Hoskins
SB 434-Washington	SB 468-Hoskins
SB 435-Hoskins	SB 469-Hoskins
SB 436-Hoskins	SB 470-Hoskins
SB 437-Hoskins	SB 471-Mosley
SB 438-Rehder	SJR 1-Hegeman
SB 439-Hegeman	SJR 2-Onder
SB 440-Washington	SJR 3-Hoskins
SB 441-Washington	SJR 4-Koenig
SB 442-Moon	SJR 5-Eigel
SB 443-Moon	SJR 6-Eigel
SB 444-May	SJR 7-Eigel
SB 445-May	SJR 8-Cierpiot
SB 446-Washington	SJR 9-Cierpiot
SB 447-Schupp	SJR 10-Cierpiot
SB 448-Rowden	SJR 11-Burlison
SB 449-Rowden	SJR 12-Luetkemeyer
SB 450-Moon	SJR 13-Brattin
SB 451-Moon	SJR 14-Brattin
SB 452-Moon	SJR 15-Eslinger
SB 453-Burlison and Luetkemeyer	SJR 16-Eslinger
SB 454-White	SJR 17-Washington
SB 455-White	SJR 18-Eigel
SB 456-Schupp	SJR 19-Cierpiot
SB 457-Rizzo	SJR 20-Cierpiot
SB 458-Brattin	SJR 21-Schatz
SB 459-Brattin	SJR 22-Mosley
SB 460-May	SJR 23-Roberts
SB 461-Koenig	SJR 24-Luetkemeyer
SB 462-Koenig	SJR 25-Moon
SB 463-Koenig	SJR 26-Eslinger
SB 464-Koenig	

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 & 42-Luetkemeyer

SENATE BILLS FOR PERFECTION

SB 10-Schatz
SB 1-Hegeman

SB 37-Bernskoetter
SB 49-Brown, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 55, 23 & 25-O'Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

To be Referred

SCR 8-Hoskins

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY—THURSDAY, FEBRUARY 4, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“The Lord gives the command; great is the company of those who bore the tidings;” (Psalm 68:11)

Gracious God, we give You thanks for the companionship of those You have given to us for they make life a joy and we can easily sing Your praise for all You have done for us. We give You thanks for our friends and families for those whose shoulders we can lean on. So, we give You thanks and sing Your praise and rejoice in this time with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Gannon	Hegeman	Hoskins	Hough
Koenig	Lutkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators

Eslinger	O’Laughlin	Riddle—3
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Hough offered Senate Resolution No. 70, regarding David Hough, Springfield, which was

adopted.

Senator Koenig offered Senate Resolution No. 71, regarding Ronald S. Green, Ballwin, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the first time and ordered printed:

SB 472—By Schupp and Gannon.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage of prescription contraceptives.

SB 473—By Brown.

An Act to repeal section 339.100, RSMo, and to enact in lieu thereof one new section relating to advertisements for real estate companies, with existing penalty provisions.

SB 474—By Bean.

An Act to repeal section 354.415, RSMo, and to enact in lieu thereof one new section relating to health benefit plans offered by health maintenance organizations.

SB 475—By Bean.

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to association health plans.

SB 476—By May.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to the calculation of weighted average daily attendance.

SB 477—By Eigel.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to elementary and secondary education.

SB 478—By Hough.

An Act to amend chapter 198, RSMo, by adding thereto five new sections relating to supplemental health care services agencies, with penalty provisions.

SB 479—By Hough.

An Act to repeal section 338.333, RSMo, and to enact in lieu thereof one new section relating to board of pharmacy inspections.

SB 480—By White.

An Act to repeal sections 700.090 and 700.095, RSMo, and to enact in lieu thereof two new sections relating to manufactured housing.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randy A. Alewel, 21 Northeast 175th Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2024, and until his successor is duly appointed and qualified; vice, John W. Buckner, term expired.

Respectfully submitted,

Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert L. Chambers, Republican, 1 Twin Springs Lane, Ladue, Saint Louis County, Missouri 63124, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2025, and until his successor is duly appointed and qualified; vice, Peggy Barnhart, term expired.

Respectfully submitted,

Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marsha E. Haefner, Republican, 3070 Cambridge View Court, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2025, and until her successor is duly appointed and qualified; vice, Sharon K. Buchanan-McClure, term expired.

Respectfully submitted,

Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Steve Maples, 108 North 9th Avenue, Ozark, Christian County, Missouri 65721, as a member of the Missouri Veterans' Commission, for

a term ending November 2, 2024, and until his successor is duly appointed and qualified; vice, Jose M. Dominguez, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kelly L. McClelland, 1720 Homestead Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2021, and until his successor is duly appointed and qualified; vice, Timothy R. Noonan, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael P. McMillan, Democrat, 4519 Vaile Avenue, Florissant, Saint Louis County, Missouri 63034, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2022, and until his successor is duly appointed and qualified; vice, Reginald D. Dickson, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah Lynn Price, Independent, 3610 Flad Avenue, Saint Louis, Saint Louis City, Missouri 63110, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2024, and until her successor is duly appointed and qualified; vice, Deborah L. Price, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Reginald Townsend, 1914 Sequoia Drive, Raymore, Cass County, Missouri 64083, as a member of the Kansas City Area Transportation

Authority, for a term ending October 13, 2024, and until his successor is duly appointed and qualified; vice, Gary L. Mallory, term expired.
Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 4, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patricia Yaeger, Democrat, 729 Reed Avenue, Saint Louis, Saint Louis County, Missouri 63125, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2025, and until his successor is duly appointed and qualified; vice, Matthew W. Potter, term expired.

Respectfully submitted,
Michael L. Parson
Governor

President Pro Tem Schatz referred the above appointments and reappointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Lisa K. Norton, Independent and Robert D. (Bob) Wollenman, Republican, as members of the Missouri Western State University Board of Governors.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 16**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SBs 12, 20, 21, 31, 56, 67 and 68**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 26**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 64**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 27**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the resolution do pass.

President Kehoe assumed the Chair.

SECOND READING OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

SCR 8—Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 263—Professional Registration.

SB 264—Insurance and Banking.

SB 265—Education.

SB 266—Local Government and Elections.

SB 267—Local Government and Elections.

SB 268—Judiciary and Civil and Criminal Jurisprudence.

SB 269—Judiciary and Civil and Criminal Jurisprudence.

SB 270—Judiciary and Civil and Criminal Jurisprudence.

SB 271—General Laws.

SB 272—General Laws.

SB 273—Transportation, Infrastructure and Public Safety.

SB 274—Judiciary and Civil and Criminal Jurisprudence.

SB 275—Appropriations.

SB 276—Local Government and Elections.

SB 277—Transportation, Infrastructure and Public Safety.

SB 278—Transportation, Infrastructure and Public Safety.

SB 279—Local Government and Elections.

SB 280—Commerce, Consumer Protection, Energy and the Environment.

SB 281—Judiciary and Civil and Criminal Jurisprudence.

SB 282—Local Government and Elections.

SB 283—General Laws.

SB 284—Health and Pensions.

SB 285—Education.

SB 286—Economic Development.

SB 287—Local Government and Elections.

SB 288—Insurance and Banking.

SB 289—Transportation, Infrastructure and Public Safety.

SB 290—Local Government and Elections.

SB 291—General Laws.

SB 292—Local Government and Elections.

SB 293—Professional Registration.

SB 294—Insurance and Banking.

SB 295—Judiciary and Civil and Criminal Jurisprudence.

SB 296—Education.

SB 297—Transportation, Infrastructure and Public Safety.

SB 298—Health and Pensions.

SB 299—General Laws.

SB 300—Professional Registration.

SB 301—Agriculture, Food Production and Outdoor Resources.

SB 302—Commerce, Consumer Protection, Energy and the Environment.

SB 303—Small Business and Industry.

SB 304—Education.

SB 305—Seniors, Families, Veterans & Military Affairs.

SB 306—Local Government and Elections.

SB 307—Transportation, Infrastructure and Public Safety.

SB 308—Professional Registration.

SB 309—Appropriations.

SB 310—Insurance and Banking.

SB 311—Judiciary and Civil and Criminal Jurisprudence.

SB 312—Judiciary and Civil and Criminal Jurisprudence.

SB 313—Ways and Means.

SB 314—Judiciary and Civil and Criminal Jurisprudence.

SB 315—Education.

SB 316—Governmental Accountability and Fiscal Oversight.

SB 317—Transportation, Infrastructure and Public Safety.

SB 318—General Laws.

SB 319—Appropriations.

SB 320—Transportation, Infrastructure and Public Safety.

SB 321—Judiciary and Civil and Criminal Jurisprudence.

SB 322—Health and Pensions.

SB 323—Education.

SB 324—Local Government and Elections.

SB 325—General Laws.

SB 326—Professional Registration.

SB 327—Seniors, Families, Veterans & Military Affairs.

SB 328—Education.

SB 329—Insurance and Banking.

SB 330—Professional Registration.

SB 331—Judiciary and Civil and Criminal Jurisprudence.

SB 332—Education.

SB 333—Small Business and Industry.

SB 334—Commerce, Consumer Protection, Energy and the Environment.

SB 335—Commerce, Consumer Protection, Energy and the Environment.

SB 336—Commerce, Consumer Protection, Energy and the Environment.

SB 337—Professional Registration.

SB 338—Judiciary and Civil and Criminal Jurisprudence.

SB 339—Insurance and Banking.

SB 340—Local Government and Elections.

SB 341—Judiciary and Civil and Criminal Jurisprudence.

SB 342—Health and Pensions.

SB 343—Judiciary and Civil and Criminal Jurisprudence.

SB 344—Transportation, Infrastructure and Public Safety.

SB 345—Judiciary and Civil and Criminal Jurisprudence.

SB 346—Education.

SB 347—Local Government and Elections.

SB 348—Judiciary and Civil and Criminal Jurisprudence.

SB 349—Health and Pensions.

SB 350—Judiciary and Civil and Criminal Jurisprudence.

COMMUNICATIONS

Senator Rizzo submitted the following:

February 4, 2021

Adriane Crouse - Secretary of the Senate

State Capitol, Room 325

Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to the provisions of section 8.003 of the Revised Statutes of Missouri and in my capacity of minority floor leader, I hereby appoint Senator Greg Razer to the Missouri State Capitol Commission.

Sincerely,



John J. Rizzo - Minority Floor Leader

INTRODUCTION OF GUESTS

Senator Rehder introduced to the Senate, her son, Christian Rehder, Scott City.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, February 8, 2021.

SENATE CALENDAR

EIGHTEENTH DAY—MONDAY, FEBRUARY 8, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 351-Koenig

SB 352-Koenig

SB 353-Moon

SB 354-Hoskins

SB 355-Hoskins

SB 356-May

SB 357-Washington

SB 358-Arthur

SB 359-Wieland

SB 360-Wieland

SB 361-Wieland

SB 362-Wieland

SB 363-Mosley

SB 364-Mosley

SB 365-Wieland

SB 366-Wieland

SB 367-Hoskins

SB 368-Arthur

SB 369-White	SB 410-Koenig
SB 370-Brown	SB 411-Schatz
SB 371-Rizzo	SB 412-Moon
SB 372-Riddle	SB 413-Moon
SB 373-Bean	SB 414-Brattin
SB 374-Luetkemeyer	SB 415-Rehder
SB 375-Eigel	SB 416-Schupp
SB 376-Hegeman	SB 417-Schupp
SB 377-Eslinger	SB 418-Crawford
SB 378-Onder	SB 419-Washington
SB 379-O’Laughlin	SB 420-Washington
SB 380-Moon	SB 421-Bernskoetter
SB 381-Burlison	SB 422-May
SB 382-Burlison	SB 423-May
SB 383-Moon	SB 424-May
SB 384-Brown	SB 425-May
SB 385-Brown	SB 426-Moon
SB 386-Eslinger	SB 427-Moon
SB 387-Hough	SB 428-Razer
SB 388-Burlison	SB 429-Brown
SB 389-Hegeman	SB 430-Brown
SB 390-Luetkemeyer	SB 431-Bernskoetter
SB 391-Moon	SB 432-Cierpiot
SB 392-Moon	SB 433-Wieland
SB 393-Moon	SB 434-Washington
SB 394-Moon	SB 435-Hoskins
SB 395-Brattin	SB 436-Hoskins
SB 396-Brattin	SB 437-Hoskins
SB 397-Rehder	SB 438-Rehder
SB 398-Eigel	SB 439-Hegeman
SB 399-Eigel	SB 440-Washington
SB 400-Onder	SB 441-Washington
SB 401-Onder	SB 442-Moon
SB 402-Onder	SB 443-Moon
SB 403-Onder	SB 444-May
SB 404-Riddle	SB 445-May
SB 405-Luetkemeyer	SB 446-Washington
SB 406-Cierpiot	SB 447-Schupp
SB 407-Beck	SB 448-Rowden
SB 408-Wieland	SB 449-Rowden
SB 409-Koenig	SB 450-Moon

SB 451-Moon	SB 479-Hough
SB 452-Moon	SB 480-White
SB 453-Burlison and Luetkemeyer	SJR 1-Hegeman
SB 454-White	SJR 2-Onder
SB 455-White	SJR 3-Hoskins
SB 456-Schupp	SJR 4-Koenig
SB 457-Rizzo	SJR 5-Eigel
SB 458-Brattin	SJR 6-Eigel
SB 459-Brattin	SJR 7-Eigel
SB 460-May	SJR 8-Cierpiot
SB 461-Koenig	SJR 9-Cierpiot
SB 462-Koenig	SJR 10-Cierpiot
SB 463-Koenig	SJR 11-Burlison
SB 464-Koenig	SJR 12-Luetkemeyer
SB 465-Hoskins	SJR 13-Brattin
SB 466-Hoskins	SJR 14-Brattin
SB 467-Hoskins	SJR 15-Eslinger
SB 468-Hoskins	SJR 16-Eslinger
SB 469-Hoskins	SJR 17-Washington
SB 470-Hoskins	SJR 18-Eigel
SB 471-Mosley	SJR 19-Cierpiot
SB 472-Schupp and Gannon	SJR 20-Cierpiot
SB 473-Brown	SJR 21-Schatz
SB 474-Bean	SJR 22-Mosley
SB 475-Bean	SJR 23-Roberts
SB 476-May	SJR 24-Luetkemeyer
SB 477-Eigel	SJR 25-Moon
SB 478-Hough	SJR 26-Eslinger

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 &
42-Luetkemeyer

SENATE BILLS FOR PERFECTION

SB 10-Schatz	SB 49-Brown, with SCS
SB 1-Hegeman	SBs 12, 20, 21, 31, 56, 67 &
SB 37-Bernskoetter	68-Onder, with SCS

SB 22-Koenig
SB 26-Eigel
SB 64-Rehder
SB 27-Crawford, with SCS

SB 123-Hough
SB 7-Riddle
SB 38-Bernskoetter

HOUSE BILLS ON THIRD READING

HCS for HB 16

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 55, 23 & 25-O’Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

Reported from Committee

SCR 2-Moon

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Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY—MONDAY, FEBRUARY 8, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Senator May offered the following prayer:

Lord who enlightens, we ask for Your supernatural wisdom as we make some tough decisions during this session. Help us to carefully consider the relevant information that has been gathered. May those sharing information give us pertinent points so we all clearly understand. Help us to be innovative as we brainstorm solutions. Help us to wisely evaluate our options, considering the pros and cons. Help us to be unified in making the best possible decisions and to effectively carry them out. Heavenly Father, in our hearts we plan our course, but we pray that You establish our steps. I pray that we seek You for advice. Let us not make decisions based upon what we know but let us act based upon Your wisdom. Please guide us, Lord. We place this session in Your hands. We place our hearts and our minds in Your hands so that You may direct us. God of peace, we invite You to preside over this meeting. Even if we have different opinions, give us unity of spirit. Help us to each listen politely as others share their points of view. Help us to work as a unified team in combining ideas for a great outcome. Help us to work as a whole, rather than as individuals trying to promote their own agendas. May we have a spirit of camaraderie in this room and work together on our shared mission. In Jesus Name Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 4, 2021, was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Arthur O'Laughlin—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bean offered Senate Resolution No. 72, regarding Burley McIntyre, Bell City, which was adopted.

Senator Hoskins offered Senate Resolution No. 73, regarding Ryder Russell Rempel, Chillicothe, which was adopted.

Senator Roberts offered Senate Resolution No. 74, regarding the death of Alice T. Buchanan, which was adopted.

Senator Roberts offered Senate Resolution No. 75, regarding Michael P. McMillan, Florissant, which was adopted.

Senator Moon offered Senate Resolution No. 76, regarding Cade Ewing Shepherd, Mount Vernon, which was adopted.

Senator Burlison offered Senate Resolution No. 77, regarding Lauren Gilbert, Oldfield, which was adopted.

Senator May offered Senate Resolution No. 78, regarding Collins Lewis, Brentwood, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the first time and ordered printed:

SB 481—By Hough.

An Act to repeal section 288.380, RSMo, and to enact in lieu thereof one new section relating to the recovery of unemployment benefits, with existing penalty provisions and an emergency clause.

SB 482—By Beck.

An Act to repeal section 288.380, RSMo, and to enact in lieu thereof one new section relating to the recovery of unemployment benefits, with existing penalty provisions and an emergency clause.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 85** and **310**, entitled:

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SJR 1—Governmental Accountability and Fiscal Oversight.

SJR 2—Local Government and Elections.

SJR 3—Agriculture, Food Production and Outdoor Resources.

SJR 4—Ways and Means.

SJR 5—Local Government and Elections.

SJR 6—Appropriations.

SJR 7—Seniors, Families, Veterans & Military Affairs.

SJR 8—Local Government and Elections.

SJR 9—Local Government and Elections.

SJR 10—Local Government and Elections.

SJR 11—Local Government and Elections.

SJR 12—Ways and Means.

SJR 13—Local Government and Elections.

SJR 14—Governmental Accountability and Fiscal Oversight.

SJR 15—General Laws.

SJR 16—Agriculture, Food Production and Outdoor Resources.

SJR 17—Local Government and Elections.

SJR 18—Health and Pensions.

SJR 19—Local Government and Elections.

SJR 20—Local Government and Elections.

SJR 21—Transportation, Infrastructure and Public Safety.

SJR 22—Judiciary and Civil and Criminal Jurisprudence.

SJR 23—Ways and Means.

SJR 24—Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 16**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **HCS** for **HB 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Arthur O’Laughlin—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schatz moved that **SB 10** be taken up for perfection, which motion prevailed.

Senator Schatz offered **SS** for **SB 10**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 10

An Act to repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof nine new sections relating to illegal gambling, with existing penalty provisions and an effective date.

Senator Schatz moved that **SS** for **SB 10** be adopted.

Senator Hough assumed the Chair.

At the request of Senator Schatz, **SB 10**, with **SS** (pending), was placed on the Informal Calendar.

INTRODUCTION OF GUESTS

Senator Bernskoetter introduced to the Senate, Audrey Ickes, Jefferson City.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

NINETEENTH DAY—TUESDAY, FEBRUARY 9, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 351-Koenig	SB 381-Burlison
SB 352-Koenig	SB 382-Burlison
SB 353-Moon	SB 383-Moon
SB 354-Hoskins	SB 384-Brown
SB 355-Hoskins	SB 385-Brown
SB 356-May	SB 386-Eslinger
SB 357-Washington	SB 387-Hough
SB 358-Arthur	SB 388-Burlison
SB 359-Wieland	SB 389-Hegeman
SB 360-Wieland	SB 390-Luetkemeyer
SB 361-Wieland	SB 391-Moon
SB 362-Wieland	SB 392-Moon
SB 363-Mosley	SB 393-Moon
SB 364-Mosley	SB 394-Moon
SB 365-Wieland	SB 395-Brattin
SB 366-Wieland	SB 396-Brattin
SB 367-Hoskins	SB 397-Rehder
SB 368-Arthur	SB 398-Eigel
SB 369-White	SB 399-Eigel
SB 370-Brown	SB 400-Onder
SB 371-Rizzo	SB 401-Onder
SB 372-Riddle	SB 402-Onder
SB 373-Bean	SB 403-Onder
SB 374-Luetkemeyer	SB 404-Riddle
SB 375-Eigel	SB 405-Luetkemeyer
SB 376-Hegeman	SB 406-Cierpiot
SB 377-Eslinger	SB 407-Beck
SB 378-Onder	SB 408-Wieland
SB 379-O’Laughlin	SB 409-Koenig
SB 380-Moon	SB 410-Koenig

SB 411-Schatz	SB 448-Rowden
SB 412-Moon	SB 449-Rowden
SB 413-Moon	SB 450-Moon
SB 414-Brattin	SB 451-Moon
SB 415-Rehder	SB 452-Moon
SB 416-Schupp	SB 453-Burlison and Luetkemeyer
SB 417-Schupp	SB 454-White
SB 418-Crawford	SB 455-White
SB 419-Washington	SB 456-Schupp
SB 420-Washington	SB 457-Rizzo
SB 421-Bernskoetter	SB 458-Brattin
SB 422-May	SB 459-Brattin
SB 423-May	SB 460-May
SB 424-May	SB 461-Koenig
SB 425-May	SB 462-Koenig
SB 426-Moon	SB 463-Koenig
SB 427-Moon	SB 464-Koenig
SB 428-Razer	SB 465-Hoskins
SB 429-Brown	SB 466-Hoskins
SB 430-Brown	SB 467-Hoskins
SB 431-Bernskoetter	SB 468-Hoskins
SB 432-Cierpiot	SB 469-Hoskins
SB 433-Wieland	SB 470-Hoskins
SB 434-Washington	SB 471-Mosley
SB 435-Hoskins	SB 472-Schupp and Gannon
SB 436-Hoskins	SB 473-Brown
SB 437-Hoskins	SB 474-Bean
SB 438-Rehder	SB 475-Bean
SB 439-Hegeman	SB 476-May
SB 440-Washington	SB 477-Eigel
SB 441-Washington	SB 478-Hough
SB 442-Moon	SB 479-Hough
SB 443-Moon	SB 480-White
SB 444-May	SB 481-Hough
SB 445-May	SB 482-Beck
SB 446-Washington	SJR 25-Moon
SB 447-Schupp	SJR 26-Eslinger

HOUSE BILLS ON SECOND READING

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 &
42-Luetkemeyer

SENATE BILLS FOR PERFECTION

- | | |
|---|-----------------------------|
| 1. SB 1-Hegeman | 6. SB 26-Eigel |
| 2. SB 37-Bernskoetter | 7. SB 64-Rehder |
| 3. SB 49-Brown, with SCS | 8. SB 27-Crawford, with SCS |
| 4. SBs 12, 20, 21, 31, 56, 67 &
68-Onder, with SCS | 9. SB 123-Hough |
| 5. SB 22-Koenig | 10. SB 7-Riddle |
| | 11. SB 38-Bernskoetter |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 10-Schatz, with SS (pending)	SBs 55, 23 & 25-O'Laughlin, with SCS
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RESOLUTIONS

HCR 20-Plocher (Rowden)

Reported from Committee

SCR 2-Moon

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Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 9, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Those of steadfast mind you keep in peace – in peace because they trust you.” (Isaiah 26:3)

Almighty God, we know that if our efforts to truly follow You were traced, it would be a jagged course like the electro cardiogram, we would have high moments of truly following Your path for us and low valleys of failures. Yet in our lives we seek to become more consistent in our efforts that goodness and kindness will be produced. So, we ask Lord grant us the courage to change and humility to be Your child. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

O’Laughlin Rowden—2

Vacancies—None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Moon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

Whereas, motorcycle ridership has continued to increase over time, with registrations growing from 3,826,373 in 1997 to 8,600,936 in 2015; and

Whereas, as of August, 2016, the ongoing National Motorcycle Profiling Survey 2016, conducted by the Motorcycle Profiling Project, found that approximately one-half of the motorcyclists surveyed felt that they had been profiled by law enforcement at least once; and

Whereas, motorcycle profiling means the illegal use of the fact that a person rides a motorcycle or wears motorcycle related apparel as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle, with or without legal basis under the Constitution of the United States; and

Whereas, complaints surrounding motorcycle profiling have been cited in all fifty states; and

Whereas, nationwide protests to raise awareness and combat motorcycle profiling have been held in multiple states:

Now Therefore Be It Resolved that the members of the Senate of the One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby:

(1) Support increased public awareness on the issue of motorcycle profiling;

(2) Encourage collaboration and communication with the motorcycle community and law enforcement to engage in efforts to end motorcycle profiling; and

(3) Urge law enforcement officials to include statements condemning motorcycle profiling in written policies and training materials; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each law enforcement agency in the state of Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 483—By Koenig.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation.

SB 484—By Gannon.

An Act to repeal section 376.1575, RSMo, and to enact in lieu thereof one new section relating to the credentialing of health care practitioners by health carriers.

SB 485—By Gannon.

An Act to amend chapter 375, RSMo, by adding thereto three new sections relating to air ambulance services, with a delayed effective date.

SB 486—By Razer.

An Act to repeal sections 92.105, 92.111, and 92.115, RSMo, and to enact in lieu thereof three new sections relating to earnings tax.

SB 487—By Onder.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to the release of a defendant.

SB 488—By May.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to funding to certain

organizations to deter criminal behavior.

SB 489—By Roberts.

An Act to repeal sections 362.105, 369.144, and 370.070, RSMo, and to enact in lieu thereof six new sections relating to financial institutions.

SB 490—By Bernskoetter.

An Act to repeal section 348.500, RSMo, and to enact in lieu thereof one new section relating to family farms.

SB 491—By Bernskoetter.

An Act to repeal sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, RSMo, and to enact in lieu thereof nineteen new sections relating to pesticide certification and training, with a delayed effective date.

On motion of Senator White, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 16**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

At the request of Senator Hegeman, **SB 1** was placed on the Informal Calendar.

Senator Bernskoetter moved that **SB 37** be taken up for perfection, which motion prevailed.

On motion of Senator Bernskoetter, **SB 37** was declared perfected and ordered printed.

Senator Brown moved that **SB 49**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 49**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 49

An Act to repeal section 306.221, RSMo, and to enact in lieu thereof one new section relating to watercraft.

Was taken up.

Senator Brown moved that **SCS** for **SB 49** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 49, Page 1, Section A, Line 3, by inserting after all of said line the following:

“306.030. 1. The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant’s source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon issue an appropriate certificate of title over the director’s signature and sealed with the seal of the director’s office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be prescribed by rules and regulations of the division of water safety in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever the vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the water patrol division or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration.

2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number.

3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith.

5. All records of the department of revenue made and kept pursuant to this section shall be public records.

6. A permanent certificate of number may be issued upon application and payment of three times the fee specified for the vessel under subsection 10 of this section. Permanent certificates of number shall not be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and shall continue in force and effect until terminated or discontinued in accordance with the provisions of this chapter. Every other certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the

provisions of sections 306.010 to 306.030.

7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload.

8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

10. The fee to accompany each application for a certificate of number is:

For vessels under 16 feet in length	\$25.00
For vessels at least 16 feet in length but less than 26 feet in length	\$55.00
For vessels at least 26 feet in length but less than 40 feet in length	\$100.00
For vessels at least 40 feet and over	\$150.00

11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection.

12. For fiscal years ending before July 1, 2019, the first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

13. Beginning July 1, 2019, the first one million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of one million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

14. Notwithstanding the provisions of subsection 10 of this section, vessels at least sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall accompany each application for a

certification number.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SCS for SB 49**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for SB 49**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Luetkemeyer offered Senate Resolution No. 79, regarding William Grant English, Parkville, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 80, regarding Robert Steven Hughes Jr., Kansas City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 81, regarding Brady Michael Lisec, Lake Waukomis, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 82, regarding Connor Grady Robertson, Parkville, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 83, regarding Charles Samuel “Sammy” Cornelius, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 84, regarding Rachael Ingram, Kansas City, which was adopted.

COMMUNICATIONS

Senator Rizzo submitted the following:

February 9, 2021

Adriane Crouse - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Adriane:

Please let this correspondence serve as the appointment of members of the minority caucus to various joint committees for which the statute authorizing the committee makes me the appointing authority as minority floor leader:

Joint Committee on Agriculture: Pursuant to section 21.900, I appoint Senator Greg Razer to a vacant minority caucus slot.

Joint Committee on Child Abuse and Neglect: Pursuant to section 21.771, I appoint Senator Jill Schupp and Senator Lauren Arthur to fill vacant minority caucus slots.

Joint Committee on Governmental Accountability: Pursuant to section 21.820, I appoint Senator Angela Mosley, Senator Steve Roberts and Senator Greg Razer to vacant minority caucus slots.

Joint Committee on the Justice System: Pursuant to section 21.880, I appoint Senator Barbara Washington to a vacant minority caucus slot. In addition, by operation of section 21.880, Senator Karla May is on this committee as the ranking minority member on the Senate Committee on Judiciary and Civil and Criminal Jurisprudence.

Sincerely,



John J. Rizzo - Minority Floor Leader

INTRODUCTION OF GUESTS

Senator May introduced to the Senate, Elaina Newton.

Senator Bernskoetter introduced to the Senate, Missouri FFA State President, Justin Eddy, Rocheport; and Vice Presidents: Lauren Gilbert, Oldfield; Erin Heinecke, Paris; Kiersten Helm, Mayview; Rachel Holts, Dawn; Kaylee Lower, Collins; Anna Milazzo, Galt; Madison Moll, St. Mary; Dakota Pemberton, Richland; Lauryn Robnett, Laddonia; Cade Shepherd, Mt. Vernon; Ricanna Spargo, Naylor; Colin Wilburn, Laddonia; and Felicity Cantrell, Seymour. State Officer Mentor, Kensie Darst, Aurora; and additional officers, State 1st Vice President, Mackenzie Porter, Harrisonville; State Secretary, Jenna Perry, Liberal; and advisor, Keith Dietzschold.

Senator Cierpiot, introduced to the Senate, Kiersten Helm, Blue Springs.

On motion of Senator White, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY—WEDNESDAY, FEBRUARY 10, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 351-Koenig	SB 375-Eigel
SB 352-Koenig	SB 376-Hegeman
SB 353-Moon	SB 377-Eslinger
SB 354-Hoskins	SB 378-Onder
SB 355-Hoskins	SB 379-O’Laughlin
SB 356-May	SB 380-Moon
SB 357-Washington	SB 381-Burlison
SB 358-Arthur	SB 382-Burlison
SB 359-Wieland	SB 383-Moon
SB 360-Wieland	SB 384-Brown
SB 361-Wieland	SB 385-Brown
SB 362-Wieland	SB 386-Eslinger
SB 363-Mosley	SB 387-Hough
SB 364-Mosley	SB 388-Burlison
SB 365-Wieland	SB 389-Hegeman
SB 366-Wieland	SB 390-Luetkemeyer
SB 367-Hoskins	SB 391-Moon
SB 368-Arthur	SB 392-Moon
SB 369-White	SB 393-Moon
SB 370-Brown	SB 394-Moon
SB 371-Rizzo	SB 395-Brattin
SB 372-Riddle	SB 396-Brattin
SB 373-Bean	SB 397-Rehder
SB 374-Luetkemeyer	SB 398-Eigel

SB 399-Eigel	SB 443-Moon
SB 400-Onder	SB 444-May
SB 401-Onder	SB 445-May
SB 402-Onder	SB 446-Washington
SB 403-Onder	SB 447-Schupp
SB 404-Riddle	SB 448-Rowden
SB 405-Luetkemeyer	SB 449-Rowden
SB 406-Cierpiot	SB 450-Moon
SB 407-Beck	SB 451-Moon
SB 408-Wieland	SB 452-Moon
SB 409-Koenig	SB 453-Burlison and Luetkemeyer
SB 410-Koenig	SB 454-White
SB 411-Schatz	SB 455-White
SB 412-Moon	SB 456-Schupp
SB 413-Moon	SB 457-Rizzo
SB 414-Brattin	SB 458-Brattin
SB 415-Rehder	SB 459-Brattin
SB 416-Schupp	SB 460-May
SB 417-Schupp	SB 461-Koenig
SB 418-Crawford	SB 462-Koenig
SB 419-Washington	SB 463-Koenig
SB 420-Washington	SB 464-Koenig
SB 421-Bernskoetter	SB 465-Hoskins
SB 422-May	SB 466-Hoskins
SB 423-May	SB 467-Hoskins
SB 424-May	SB 468-Hoskins
SB 425-May	SB 469-Hoskins
SB 426-Moon	SB 470-Hoskins
SB 427-Moon	SB 471-Mosley
SB 428-Razer	SB 472-Schupp and Gannon
SB 429-Brown	SB 473-Brown
SB 430-Brown	SB 474-Bean
SB 431-Bernskoetter	SB 475-Bean
SB 432-Cierpiot	SB 476-May
SB 433-Wieland	SB 477-Eigel
SB 434-Washington	SB 478-Hough
SB 435-Hoskins	SB 479-Hough
SB 436-Hoskins	SB 480-White
SB 437-Hoskins	SB 481-Hough
SB 438-Rehder	SB 482-Beck
SB 439-Hegeman	SB 483-Koenig
SB 440-Washington	SB 484-Gannon
SB 441-Washington	SB 485-Gannon
SB 442-Moon	SB 486-Razer

SB 487-Onder
SB 488-May
SB 489-Roberts
SB 490-Bernskoetter

SB 491-Bernskoetter
SJR 25-Moon
SJR 26-Eslinger

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 &
42-Luetkemeyer

SENATE BILLS FOR PERFECTION

SBs 12, 20, 21, 31, 56, 67 &
68-Onder, with SCS
SB 22-Koenig
SB 26-Eigel
SB 64-Rehder

SB 27-Crawford, with SCS
SB 123-Hough
SB 7-Riddle
SB 38-Bernskoetter

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman
SB 10-Schatz, with SS (pending)

SBs 55, 23 & 25-O’Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

Reported from Committee

SCR 2-Moon

To be Referred

SCR 9-Moon

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Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 10, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I call upon you, for you will answer me, O God; incline your ear to me, hear my words.” (Psalm 17:6)

Gracious God our faith in You is undergirded by Your faithfulness. We know that many times we become impatient waiting for what we feel needs to happen now but we know that patience is needed and trust that You will open the doors needed when they best serve Your intentions for us. So, help us be as faithful to You as You are to us and have an open heart to what is before us. And Lord we give You thanks for those who clean our roads and walkways so our travel is safe. We ask Your blessing on them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bean offered Senate Resolution No. 85, regarding SoutheastHEALTH Center, Stoddard County, which was adopted.

Senator Bean offered Senate Resolution No. 86, regarding Whitney Horton, Dexter, which was adopted.

Senator Bean offered Senate Resolution No. 87, regarding Dee Loflin, Dexter, which was adopted.

Senator Brown offered Senate Resolution No. 88, regarding Lyndsey Ann Parker, Salem, which was adopted.

Senator Eigel offered Senate Resolution No. 89, regarding Spencer Dunajcik, St. Peters, which was adopted.

Senator Onder offered the following resolution:

SENATE RESOLUTION NO. 90

Whereas, many people with serious, chronic mental illnesses, such as schizophrenia and other schizoaffective disorders, bipolar disorders, or severe depression, require treatment with medications that work as dopamine receptor blocking agents (DRBAs), including antipsychotics; and

Whereas, while ongoing treatment with these medications can be very helpful, and even lifesaving, for many people, such treatment can also lead to tardive dyskinesia; and

Whereas, many people who have gastrointestinal disorders, including gastroparesis, nausea, and vomiting, also require treatment with DRBAs; and

Whereas, treatment of gastrointestinal disorders with DRBAs can be very helpful, but for many patients can lead to tardive dyskinesia; and

Whereas, tardive dyskinesia is a movement disorder that is characterized by random, involuntary, and uncontrolled movements of different muscles in the face, trunk, and extremities, and, in some cases, people may experience movement of the arms, legs, fingers, toes, tongue, lips, and jaw. Other symptoms may include swaying movements of the trunk or hips and impact to the muscles associated with walking, speech, eating, and breathing; and

Whereas, tardive dyskinesia can develop months, years, or decades after a person starts taking DRBAs and even after they have discontinued use of those medications. Not everyone who takes a DRBA develops tardive dyskinesia, but, if it develops, tardive dyskinesia is often permanent; and

Whereas, common risk factors for tardive dyskinesia include advanced age and alcoholism or other substance abuse disorders. Postmenopausal women and people with a mood disorder are also higher risk of developing tardive dyskinesia; and

Whereas, a person is at higher risk for tardive dyskinesia after taking DRBAs for three months or longer, but the longer the person is on these medications, the higher the risk of developing tardive dyskinesia; and

Whereas, studies suggest that overall risk of developing tardive dyskinesia is between 10 and 30 percent; and

Whereas, it is estimated that over 500,000 Americans suffer from tardive dyskinesia and, according to the National Alliance for Mental Illness, one in every four patients receiving long-term treatment with an antipsychotic medication will experience tardive dyskinesia; and

Whereas, years of difficult and challenging research have resulted in recent scientific breakthroughs, with two new treatments for tardive dyskinesia approved by the U.S. Food and Drug Administration; and

Whereas, tardive dyskinesia is often unrecognized and patients suffering from the illness are commonly misdiagnosed. Regular screening for tardive dyskinesia in patients taking DRBA medications is recommended by the American Psychiatric Association; and

Whereas, patients suffering from tardive dyskinesia often suffer embarrassment due to abnormal and involuntary movements, which leads them to withdraw from society and increasingly isolate themselves as the disease progresses; and

Whereas, caregivers of patients with tardive dyskinesia face many challenges and are often responsible for the overall care of the patient; and

Whereas, the Senate can raise awareness of tardive dyskinesia in the public and medical community:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One hundred first General Assembly, First Regular Session, hereby designates the week of May 2, 2021, as "Tardive Dyskinesia Awareness Week"; and

Be it further resolved the members of the Missouri Senate encourage Missouri residents to become better informed about and aware of tardive dyskinesia.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 492—By Brattin.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to firearms discrimination.

SB 493—By Gannon.

An Act to repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to child passenger restraint systems, with penalty provisions.

SB 494—By Eslinger.

An Act to repeal section 302.188, RSMo, and to enact in lieu thereof one new section relating to veteran designations on driver's licenses and identification cards.

SB 495—By Roberts.

An Act to repeal sections 59.310, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.825, 92.840, 92.852, 92.855, and 442.130, RSMo, and to enact in lieu thereof sixteen new sections relating to property regulations in certain cities and counties, with penalty provisions.

SB 496—By Burlison.

An Act to repeal section 191.237, RSMo, and to enact in lieu thereof one new section relating to health information networks.

SB 497—By Hough.

An Act to repeal section 528.725, RSMo, and to enact in lieu thereof one new section relating to the partition of property among heirs, with an emergency clause.

SB 498—By Hough.

An Act to repeal sections 34.047 and 34.100, RSMo, and to enact in lieu thereof two new sections relating to public contracts.

REFERRALS

President Pro Tem Schatz referred **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator White, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 499—By Schupp.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for

child-care facilities.

SB 500—By Schupp.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the care of certain dependents.

SB 501—By Wieland.

An Act to repeal sections 375.018 and 384.043, RSMo, and to enact in lieu thereof two new sections relating to licensure of insurance producers.

Senator Eslinger assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 49** and **SB 37**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SCS** for **SB 49** to the Committee on Governmental Accountability and Fiscal Oversight.

CONCURRENT RESOLUTIONS

Senator Rowden moved that **HCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator Rowden, **HCR 20** was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brown	Burlison	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schatz	Schupp	Washington	White	Williams—27	

NAYS—Senators

Bernskoetter	Brattin	Eigel	Moon	Onder	Wieland—6
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Absent—Senators—None

Absent with leave—Senator O’Laughlin—1

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Onder moved that **SB 12**, **SB 20**, **SB 21**, **SB 31**, **SB 56**, **SB 67** and **SB 68**, with **SCS**, be taken up for perfection, which motion prevailed.

President Kehoe assumed the Chair.

SCS for SBs 12, 20, 21, 31, 56, 67 and 68, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 12, 20, 21, 31, 56, 67 and 68

An Act to repeal sections 77.530, 79.380, 192.300, 192.320, and 205.031, RSMo, and to enact in lieu thereof eleven new sections relating to public health, with existing penalty provisions and an emergency clause.

Was taken up.

Senator Onder moved that **SCS for SBs 12, 20, 21, 31, 56, 67 and 68** be adopted.

Senator Onder offered **SS for SCS for SBs 12, 20, 21, 31, 56, 67 and 68**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 12, 20, 21, 31, 56, 67 and 68

An Act to repeal sections 77.530, 79.380, 192.300, 192.320, and 205.031, RSMo, and to enact in lieu thereof eleven new sections relating to public health, with existing penalty provisions and an emergency clause.

Senator Onder moved that **SS for SCS for SBs 12, 20, 21, 31, 56, 67 and 68** be adopted.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 12, 20, 21, 31, 56, 67 and 68, Page 10, Section 210.067, Line 6, by inserting after all of said line the following:

“332.071. A person or other entity “practices dentistry” within the meaning of this chapter who:

(1) Undertakes to do or perform dental work or dental services or dental operations or oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary or fee or other reward, paid directly or indirectly to the person or to any other person or entity;

(2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions of the oral regions;

(3) Attempts to or does replace or restore a part or portion of a human tooth;

(4) Attempts to or does extract human teeth or attempts to or does correct malformations of human teeth or jaws;

(5) Attempts to or does adjust an appliance or appliances for use in or used in connection with malposed teeth in the human mouth;

(6) Interprets or professes to interpret or read dental radiographs;

(7) Administers an anesthetic in connection with dental services or dental operations or dental surgery;

(8) Undertakes to or does remove hard and soft deposits from or polishes natural and restored surfaces of teeth;

(9) Uses or permits to be used for the person's benefit or for the benefit of any other person or other entity the following titles or words in connection with the person's name: "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or descriptive matter which directly or indirectly indicate or imply that the person is willing or able to perform any type of dental service for any person or persons, or uses or permits the use of for the person's benefit or for the benefit of any other person or other entity any card, directory, poster, sign or any other means by which the person indicates or implies or represents that the person is willing or able to perform any type of dental services or operation for any person;

(10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an office or establishment of any kind in which dental services or dental operations of any kind are performed for any purpose; but this section shall not be construed to prevent owners or lessees of real estate from lawfully leasing premises to those who are qualified to practice dentistry within the meaning of this chapter;

(11) Controls, influences, attempts to control or influence, or otherwise interferes with the dentist's independent professional judgment regarding the diagnosis or treatment of a dental disease, disorder, or physical condition except that any opinion rendered by any health care professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338 regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be construed to control, influence, attempt to control or influence or otherwise interfere with a dentist's independent professional judgment;

(12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except when one, not a registered and licensed dentist, does so pursuant to a written uniform laboratory work order, in the form prescribed by the board, of a dentist registered and currently licensed in Missouri and which the substitute in this subdivision described is constructed upon or by use of casts or models made from an impression furnished by a dentist registered and currently licensed in Missouri;

(13) Attempts to or does place any substitute described in subdivision (12) of this section in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute to any person other than the dentist upon whose order the work in producing the substitute was performed;

(14) Advertises, solicits, or offers to or does sell or deliver any substitute described in subdivision (12) of this section or offers to or does sell the person's services in constructing, reproducing, supplying or repairing the substitute to any person other than a registered and licensed dentist in Missouri;

(15) Undertakes to do or perform any physical evaluation of a patient in the person's office or in a hospital, clinic, or other medical or dental facility prior to or incident to the performance of any dental services, dental operations, or dental surgery;

(16) Reviews examination findings, x-rays, or other patient data to make judgments or decisions about the dental care rendered to a patient in this state;

(17) Prescribes and administers vaccines.

332.368. 1. A dentist may prescribe and administer vaccines to a person with whom the dentist has

established a patient relationship and vaccines directly related to an emergency as defined in section 44.045. No dentist shall be required to prescribe or administer vaccines.

2. The board shall recognize a training course, which includes training regarding appropriate vaccine storage, proper administration, and addressing contraindications and adverse reactions, offered by the Centers for Disease Control and Prevention, the American Dental Association or its successor organization, and other similar federal or state agencies or professional organizations deemed qualified by the board.

3. The dentist shall:

(1) Inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the dentist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the dentist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (a) The identity of the patient;
- (b) The identity of the vaccine or vaccines administered;
- (c) The route of administration;
- (d) The anatomic site of the administration;
- (e) The dose administered; and
- (f) The date of administration;

(2) Prior to administering a vaccine, review the patient's vaccination history in the ShowMeVax system;

(3) Obtain a certificate of successful completion from the entity from whom the dentist received the training described in subsection 2 of this section and shall produce for the board upon their request; and

(4) Comply with any applicable patient of care record keeping requirements.

4. The dentist shall not delegate the administration of a vaccine. The board shall promulgate rules for the purpose of recognizing training entities listed in subdivision (2) of subsection 1 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted.

Senator Onder raised the point of order that SA 1 is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

Senator Bean assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator Onder, the point of order was withdrawn.

President Kehoe assumed the Chair.

Senator Rizzo requested a standing division vote on **SA 1** and was joined in his request by Senator Schupp, which failed of adoption.

Senator Hough assumed the Chair.

Senator Razer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 12, 20, 21, 31, 56, 67 and 68, Page 1, Section 44.103, Line 6, by inserting immediately after the word “any” the following “**undue**”; and further amend said line by striking the following: “, directly or indirectly,”.

Senator Razer moved that the above amendment be adopted, which motion failed.

Senator Hegeman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 12, 21, 31, 56, 67 and 68, Page 5, Section 139.305, Line 4, by inserting after the word “67.265” the following: “**during a state of emergency declared by the governor**”.

Senator Hegeman moved that the above amendment be adopted.

At the request of Senator Hegeman, **SA 3** was withdrawn.

President Kehoe assumed the Chair.

Senator Hegeman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 12, 20, 21, 31, 56, 67 and 68, Page 2, Section 67.265, Lines 10-31, by striking all of said lines and inserting in lieu thereof the following: “**order, whichever is shorter, unless so authorized by a two-thirds vote of the political subdivision’s governing body to extend such order or approve a similar order; provided that such extension or approval of similar orders shall not exceed thirty calendar days in duration and any order may be extended more than once.**”.

Senator Hegeman moved that the above amendment be adopted.

Senator Schupp offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 12, 20, 21, 31, 56, 67 and 68, Page 2, Section 67.265, Line 4, by deleting “a two-thirds” and replace with “**a majority**”.

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Hegeman, **SA 4** was withdrawn, rendering **SA 1** to **SA 4** moot.

Senator Eslinger assumed the Chair.

Senator Koenig offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 12, 20, 21, 31, 56, 67 and 68, Page 5, Section 139.305, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “**a resident of a city or county that imposes an extension of any city-wide or county-wide public health order, as such term is defined in section 67.265, beyond the initial approval of such order that has the**”; and

Further amend said bill and section, page 6, lines 25-26, by striking all of said lines and inserting in lieu thereof the following: “**imposing an extension of any city-wide or county-wide public health order, as such term is defined in section 67.265, beyond the initial approval of such order that prohibits or otherwise restricts the use of a**”.

Senator Koenig moved that the above amendment be adopted.

At the request of Senator Onder, **SBs 12, 20, 21, 31, 56, 67** and **68**, with **SCS, SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Bean offered Senate Resolution No. 91, regarding the Dexter R-XI School District, which was adopted.

Senator Bean offered Senate Resolution No. 92, regarding John Mark Stidham, which was adopted.

Senator Bean offered Senate Resolution No. 93, regarding Tyson Foods, Dexter, which was adopted.

INTRODUCTION OF GUESTS

Senator Schatz introduced to the Senate, Rick Stream, Marsha Haefner, and Sue Allen.

Senator May introduced to the Senate, Michelle Luster, St. Louis; Wayne Luster, St. Louis; Jackson Winters, Columbia; and Blaine Fulson, Columbia.

Senator Schupp introduced to the Senate, the Honorable Sue Allen, Town and Country; and Robert Chambers, Ladue.

Senator Beck introduced to the Senate, Pat Yaeger, Lemay; and Marsha Haefner, Oakville.

Senator Brown introduced to the Senate, Kayden Bax, Westphalia.

Senator Williams introduced to the Senate, Bwyane Smotherson, University City.

Senator Bernskoetter introduced to the Senate, Dr. Timothy Faber.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 11, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 351-Koenig	SB 373-Bean
SB 352-Koenig	SB 374-Luetkemeyer
SB 353-Moon	SB 375-Eigel
SB 354-Hoskins	SB 376-Hegeman
SB 355-Hoskins	SB 377-Eslinger
SB 356-May	SB 378-Onder
SB 357-Washington	SB 379-O’Laughlin
SB 358-Arthur	SB 380-Moon
SB 359-Wieland	SB 381-Burlison
SB 360-Wieland	SB 382-Burlison
SB 361-Wieland	SB 383-Moon
SB 362-Wieland	SB 384-Brown
SB 363-Mosley	SB 385-Brown
SB 364-Mosley	SB 386-Eslinger
SB 365-Wieland	SB 387-Hough
SB 366-Wieland	SB 388-Burlison
SB 367-Hoskins	SB 389-Hegeman
SB 368-Arthur	SB 390-Luetkemeyer
SB 369-White	SB 391-Moon
SB 370-Brown	SB 392-Moon
SB 371-Rizzo	SB 393-Moon
SB 372-Riddle	SB 394-Moon

SB 395-Brattin	SB 433-Wieland
SB 396-Brattin	SB 434-Washington
SB 397-Rehder	SB 435-Hoskins
SB 398-Eigel	SB 436-Hoskins
SB 399-Eigel	SB 437-Hoskins
SB 400-Onder	SB 438-Rehder
SB 401-Onder	SB 439-Hegeman
SB 402-Onder	SB 440-Washington
SB 403-Onder	SB 441-Washington
SB 404-Riddle	SB 442-Moon
SB 405-Luetkemeyer	SB 443-Moon
SB 406-Cierpiot	SB 444-May
SB 407-Beck	SB 445-May
SB 408-Wieland	SB 446-Washington
SB 409-Koenig	SB 447-Schupp
SB 410-Koenig	SB 448-Rowden
SB 411-Schatz	SB 449-Rowden
SB 412-Moon	SB 450-Moon
SB 413-Moon	SB 451-Moon
SB 414-Brattin	SB 452-Moon
SB 415-Rehder	SB 453-Burlison and Luetkemeyer
SB 416-Schupp	SB 454-White
SB 417-Schupp	SB 455-White
SB 418-Crawford	SB 456-Schupp
SB 419-Washington	SB 457-Rizzo
SB 420-Washington	SB 458-Brattin
SB 421-Bernskoetter	SB 459-Brattin
SB 422-May	SB 460-May
SB 423-May	SB 461-Koenig
SB 424-May	SB 462-Koenig
SB 425-May	SB 463-Koenig
SB 426-Moon	SB 464-Koenig
SB 427-Moon	SB 465-Hoskins
SB 428-Razer	SB 466-Hoskins
SB 429-Brown	SB 467-Hoskins
SB 430-Brown	SB 468-Hoskins
SB 431-Bernskoetter	SB 469-Hoskins
SB 432-Cierpiot	SB 470-Hoskins

SB 471-Mosley	SB 488-May
SB 472-Schupp and Gannon	SB 489-Roberts
SB 473-Brown	SB 490-Bernskoetter
SB 474-Bean	SB 491-Bernskoetter
SB 475-Bean	SB 492-Brattin
SB 476-May	SB 493-Gannon
SB 477-Eigel	SB 494-Eslinger
SB 478-Hough	SB 495-Roberts
SB 479-Hough	SB 496-Burlison
SB 480-White	SB 497-Hough and Hegeman
SB 481-Hough	SB 498-Hough
SB 482-Beck	SB 499-Schupp
SB 483-Koenig	SB 500-Schupp
SB 484-Gannon	SB 501-Wieland
SB 485-Gannon	SJR 25-Moon
SB 486-Razer	SJR 26-Eslinger
SB 487-Onder	

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 & 42-Luetkemeyer	SB 37-Bernskoetter
SCS for SB 49-Brown (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

SB 22-Koenig	SB 123-Hough
SB 26-Eigel	SB 7-Riddle
SB 64-Rehder	SB 38-Bernskoetter
SB 27-Crawford, with SCS	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman

SBs 55, 23 & 25-O'Laughlin, with SCS

SB 10-Schatz, with SS (pending)

SBs 12, 20, 21, 31, 56, 67 & 68-Onder,
with SCS, SS for SCS & SA 5 (pending)

RESOLUTIONS

Reported from Committee

SCR 2-Moon

To be Referred

SR 90-Onder

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 11, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“...but you shall love your neighbor as yourself: I am the Lord.” (Leviticus 19:18b)

Loving God as we approach this Valentine weekend, a time for us to express love to those You have given to us to love. Also Lord help us to do as You command, to love our neighbor and those whom we often overlook, especially those who do so much for us and those whom You put in our path. So, help us be more loving to one another for You have surely shown much love for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 502—By Moon.

An Act to repeal sections 44.010, 44.032, and 44.100, RSMo, and to enact in lieu thereof three new sections relating to emergency powers.

SB 503—By Moon.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to middle school, high school, and college athletics.

SB 504—By Rehder.

An Act to repeal section 208.153, RSMo, and to enact in lieu thereof one new section relating to the provision of MO HealthNet benefits.

SB 505—By Brattin.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to the release of a defendant.

SB 506—By Bean.

An Act to repeal sections 313.800, 313.805, and 313.812, RSMo, and to enact in lieu thereof three new sections relating to gaming facilities.

SB 507—By Bean.

An Act to repeal sections 407.300 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to the sale of copper, with penalty provisions.

SB 508—By Bean.

An Act to repeal sections 393.170 and 523.262, RSMo, and to enact in lieu thereof two new sections relating to the construction of electric transmission lines.

SB 509—By Washington.

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof two new sections relating to expungement.

SB 510—By Brown.

An Act to repeal section 57.317, RSMo, and to enact in lieu thereof two new sections relating to compensation of sheriffs.

SB 511—By Hegeman.

An Act to repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to the department of corrections reimbursements to counties.

SB 512—By Hough.

An Act to repeal section 190.053, RSMo, and to enact in lieu thereof one new section relating to

ambulance districts.

SB 513—By Hough.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the filing of certain petitions by a special victim.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

Governor

State of Missouri

February 11, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anne-Marie Clarke, Democrat, 3439 Longfellow Boulevard, Saint Louis, Saint Louis City, Missouri 63104, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2026, and until her successor is duly appointed and qualified; vice, Samuel P. Murphey, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 11, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Hollie Elliott, Republican, 35 Daytona Lane, Fair Grove, Dallas County, Missouri 65648, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2026, and until her successor is duly appointed and qualified; vice, Robin R. Wenneker, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 11, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

C. Phillip Hoffman, Independent, 171 South Main, Trenton, Grundy County, Missouri 64683, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2022, and until his successor is duly appointed and qualified; vice, Michael D. Thomson, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor
State of Missouri
February 11, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Abigail Pinegar-Rose, Republican, 6108 South San Rosa, Ozark, Greene County, Missouri 65721, as a member of the State Lottery Commission, for a term ending September 7, 2023, and until her successor is duly appointed and qualified; vice, Michael K. Grewe, term expired.

Respectfully submitted,
Michael L. Parson
Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Schatz referred **SR 90** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Sue Allen, Republican, as a member of the State Board of Health and Senior Services;

Also,

Robert L. Chambers, Republican, Patricia Yaeger, Democrat, and Marsha Haefner, Republican as members of the Saint Louis County Board of Election Commissioners;

Also,

Brent Thomas Buerck, Republican, as a member of the Missouri Development Finance Board;

Also,

Robert Goodrich, as a member of the Missouri Propane Safety Commission;

Also,

Derek M. Holland, Republican and Timothy Faber, Republican, as members of the Missouri Commission on Human Rights;

Also,

Michelle Luster, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Cindy Fox, as a member of the Missouri Real Estate Commission; and

Dr. Adriatik Likcani, Independent, as a member of the State Committee of Marital and Family Therapists.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed

President Pro Tem Schatz assumed the Chair.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 89**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 11**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 93**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 43**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schupp, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 189**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 330**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 24**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 47**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 72**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 78**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 258**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight,

submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 63**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 262**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 53** and **SB 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

THIRD READING OF SENATE BILLS

At the request of Senator Luetkemeyer, **SS#2** for **SCS** for **SBs 51** and **42**, was placed on the Informal Calendar.

SB 37, introduced by Senator Bernskoetter, entitled:

An Act repeal sections 266.355, 643.050, 643.079, and 643.245, RSMo, and to enact in lieu thereof three new sections relating to anhydrous ammonia.

Was taken up.

Senator Eslinger assumed the Chair.

On motion of Senator Bernskotteer, **SB 37** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Gannon O’Laughlin—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 350**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to kratom products, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 153**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to farm vehicle fleet registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 574**, entitled:

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 351—Ways and Means.

SB 352—Education.

SB 353—Ways and Means.

SB 354—Economic Development.

SB 355—Economic Development.

SB 356—General Laws.

SB 357—Seniors, Families, Veterans & Military Affairs.

SB 358—Ways and Means.

SB 359—Insurance and Banking.

SB 360—Insurance and Banking.

SB 361—Small Business and Industry.

SB 362—Insurance and Banking.

SB 363—Local Government and Elections.

SB 364—Professional Registration.

SB 365—Local Government and Elections.

SB 366—Local Government and Elections.

SB 367—Economic Development.

SB 368—Seniors, Families, Veterans & Military Affairs.

SB 369—Insurance and Banking.

SB 370—Transportation, Infrastructure and Public Safety.

SB 371—Judiciary and Civil and Criminal Jurisprudence.

SB 372—Governmental Accountability and Fiscal Oversight.

SB 373—Judiciary and Civil and Criminal Jurisprudence.

SB 374—Judiciary and Civil and Criminal Jurisprudence.

SB 375—Small Business and Industry.

SB 376—Education.

SB 377—Governmental Accountability and Fiscal Oversight.

SB 378—Local Government and Elections.

SB 379—Commerce, Consumer Protection, Energy and the Environment.

SB 380—Transportation, Infrastructure and Public Safety.

SB 381—Governmental Accountability and Fiscal Oversight.

SB 382—Insurance and Banking.

SB 383—General Laws.

SB 384—Local Government and Elections.

SB 385—Insurance and Banking.

SB 386—Education.

SB 387—Transportation, Infrastructure and Public Safety.

SB 388—Transportation, Infrastructure and Public Safety.

SB 389—Judiciary and Civil and Criminal Jurisprudence.

SB 390—Education.

SB 391—Health and Pensions.

SB 392—Education.

SB 393—Ways and Means.

SB 394—General Laws.

SB 395—Governmental Accountability and Fiscal Oversight.

SB 396—Agriculture, Food Production and Outdoor Resources.

SB 397—Education.

SB 398—Health and Pensions.

SB 399—Local Government and Elections.

SB 400—Education.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, February 15, 2021.

SENATE CALENDAR

TWENTY-SECOND DAY—MONDAY, FEBRUARY 15, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 401-Onder

SB 402-Onder

SB 403-Onder

SB 404-Riddle

SB 405-Luetkemeyer

SB 406-Cierpiot

SB 407-Beck

SB 408-Wieland

SB 409-Koenig

SB 410-Koenig

SB 411-Schatz

SB 412-Moon

SB 413-Moon

SB 414-Brattin

SB 415-Rehder	SB 453-Burlison and Luetkemeyer
SB 416-Schupp	SB 454-White
SB 417-Schupp	SB 455-White
SB 418-Crawford	SB 456-Schupp
SB 419-Washington	SB 457-Rizzo
SB 420-Washington	SB 458-Brattin
SB 421-Bernskoetter	SB 459-Brattin
SB 422-May	SB 460-May
SB 423-May	SB 461-Koenig
SB 424-May	SB 462-Koenig
SB 425-May	SB 463-Koenig
SB 426-Moon	SB 464-Koenig
SB 427-Moon	SB 465-Hoskins
SB 428-Razer	SB 466-Hoskins
SB 429-Brown	SB 467-Hoskins
SB 430-Brown	SB 468-Hoskins
SB 431-Bernskoetter	SB 469-Hoskins
SB 432-Cierpiot	SB 470-Hoskins
SB 433-Wieland	SB 471-Mosley
SB 434-Washington	SB 472-Schupp and Gannon
SB 435-Hoskins	SB 473-Brown
SB 436-Hoskins	SB 474-Bean
SB 437-Hoskins	SB 475-Bean
SB 438-Rehder	SB 476-May
SB 439-Hegeman	SB 477-Eigel
SB 440-Washington	SB 478-Hough
SB 441-Washington	SB 479-Hough
SB 442-Moon	SB 480-White
SB 443-Moon	SB 481-Hough
SB 444-May	SB 482-Beck
SB 445-May	SB 483-Koenig
SB 446-Washington	SB 484-Gannon
SB 447-Schupp	SB 485-Gannon
SB 448-Rowden	SB 486-Razer
SB 449-Rowden	SB 487-Onder
SB 450-Moon	SB 488-May
SB 451-Moon	SB 489-Roberts
SB 452-Moon	SB 490-Bernskoetter

SB 491-Bernskoetter	SB 504-Rehder
SB 492-Brattin	SB 505-Brattin
SB 493-Gannon	SB 506-Bean
SB 494-Eslinger	SB 507-Bean
SB 495-Roberts	SB 508-Bean
SB 496-Burlison	SB 509-Washington
SB 497-Hough and Hegeman	SB 510-Brown
SB 498-Hough	SB 511-Hegeman
SB 499-Schupp	SB 512-Hough
SB 500-Schupp	SB 513-Hough
SB 501-Wieland	SJR 25-Moon
SB 502-Moon	SJR 26-Eslinger
SB 503-Moon	

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HB 153-Rone
HCS for HB 350	HCS for HB 574

THIRD READING OF SENATE BILLS

SCS for SB 49-Brown
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 22-Koenig	11. SB 43-White, with SCS
2. SB 26-Eigel	12. SB 330-Burlison
3. SB 64-Rehder	13. SB 24-Eigel
4. SB 27-Crawford, with SCS	14. SB 47-Hough
5. SB 123-Hough	15. SB 86-Hegeman
6. SB 7-Riddle	16. SB 100-Koenig, with SCS
7. SB 38-Bernskoetter	17. SB 258-White
8. SB 89-Wieland	18. SB 63-Rehder
9. SB 152-Hoskins, with SCS	19. SB 262-Schatz, with SCS
10. SB 11-Schatz	20. SBs 53 & 60-Luetkemeyer, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 & 42-Luetkemeyer

SENATE BILLS FOR PERFECTION

SB 1-Hegeman

SBs 55, 23 & 25-O'Laughlin, with SCS

SB 10-Schatz, with SS (pending)

SBs 12, 20, 21, 31, 56, 67 & 68-Onder,
with SCS, SS for SCS & SA 5
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 29-Crawford

SB 9-Riddle

SB 93-Onder

SB 72-Eslinger

SB 189-Washington

SB 78-Beck

RESOLUTIONS

Reported from Committee

SCR 2-Moon

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 15, 2021

The Senate met pursuant to adjournment.

Senator Bean in the Chair.

On motion of Senator Bean, the Senate adjourned until 4:00 p.m., Monday, February 22, 2021.

SENATE CALENDAR

TWENTY-THIRD DAY—MONDAY, FEBRUARY 22, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 401-Onder
SB 402-Onder
SB 403-Onder
SB 404-Riddle
SB 405-Luetkemeyer
SB 406-Cierpiot
SB 407-Beck
SB 408-Wieland

SB 409-Koenig
SB 410-Koenig
SB 411-Schatz
SB 412-Moon
SB 413-Moon
SB 414-Brattin
SB 415-Rehder
SB 416-Schupp

SB 417-Schupp	SB 454-White
SB 418-Crawford	SB 455-White
SB 419-Washington	SB 456-Schupp
SB 420-Washington	SB 457-Rizzo
SB 421-Bernskoetter	SB 458-Brattin
SB 422-May	SB 459-Brattin
SB 423-May	SB 460-May
SB 424-May	SB 461-Koenig
SB 425-May	SB 462-Koenig
SB 426-Moon	SB 463-Koenig
SB 427-Moon	SB 464-Koenig
SB 428-Razer	SB 465-Hoskins
SB 429-Brown	SB 466-Hoskins
SB 430-Brown	SB 467-Hoskins
SB 431-Bernskoetter	SB 468-Hoskins
SB 432-Cierpiot	SB 469-Hoskins
SB 433-Wieland	SB 470-Hoskins
SB 434-Washington	SB 471-Mosley
SB 435-Hoskins	SB 472-Schupp and Gannon
SB 436-Hoskins	SB 473-Brown
SB 437-Hoskins	SB 474-Bean
SB 438-Rehder	SB 475-Bean
SB 439-Hegeman	SB 476-May
SB 440-Washington	SB 477-Eigel
SB 441-Washington	SB 478-Hough
SB 442-Moon	SB 479-Hough
SB 443-Moon	SB 480-White
SB 444-May	SB 481-Hough
SB 445-May	SB 482-Beck
SB 446-Washington	SB 483-Koenig
SB 447-Schupp	SB 484-Gannon
SB 448-Rowden	SB 485-Gannon
SB 449-Rowden	SB 486-Razer
SB 450-Moon	SB 487-Onder
SB 451-Moon	SB 488-May
SB 452-Moon	SB 489-Roberts
SB 453-Burlison and Luetkemeyer	SB 490-Bernskoetter

SB 491-Bernskoetter	SB 504-Rehder
SB 492-Brattin	SB 505-Brattin
SB 493-Gannon	SB 506-Bean
SB 494-Eslinger	SB 507-Bean
SB 495-Roberts	SB 508-Bean
SB 496-Burlison	SB 509-Washington
SB 497-Hough and Hegeman	SB 510-Brown
SB 498-Hough	SB 511-Hegeman
SB 499-Schupp	SB 512-Hough
SB 500-Schupp	SB 513-Hough
SB 501-Wieland	SJR 25-Moon
SB 502-Moon	SJR 26-Eslinger
SB 503-Moon	

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HB 153-Rone
HCS for HB 350	HCS for HB 574

THIRD READING OF SENATE BILLS

SCS for SB 49-Brown
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 22-Koenig	11. SB 43-White, with SCS
2. SB 26-Eigel	12. SB 330-Burlison
3. SB 64-Rehder	13. SB 24-Eigel
4. SB 27-Crawford, with SCS	14. SB 47-Hough
5. SB 123-Hough	15. SB 86-Hegeman
6. SB 7-Riddle	16. SB 100-Koenig, with SCS
7. SB 38-Bernskoetter	17. SB 258-White
8. SB 89-Wieland	18. SB 63-Rehder
9. SB 152-Hoskins, with SCS	19. SB 262-Schatz, with SCS
10. SB 11-Schatz	20. SBs 53 & 60-Luetkemeyer, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 & 42-Luetkemeyer

SENATE BILLS FOR PERFECTION

SB 1-Hegeman

SBs 55, 23 & 25-O'Laughlin, with SCS

SB 10-Schatz, with SS (pending)

SBs 12, 20, 21, 31, 56, 67 & 68-Onder,
with SCS, SS for SCS & SA 5
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 29-Crawford

SB 9-Riddle

SB 93-Onder

SB 72-Eslinger

SB 189-Washington

SB 78-Beck

RESOLUTIONS

Reported from Committee

SCR 2-Moon

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—MONDAY, FEBRUARY 22, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“You cannot escape the responsibility of tomorrow by evading it today.” (Abraham Lincoln)

Gracious God, we enjoyed the beauty of the world You created, the sun shining and the warming temperature as we gather for another week of work, being grateful for our safe arrival. We understand we must meet each challenge as it comes before us with the diligence and perseverance it requires. So, we ask Lord, that we might know Your guiding presence and Your prompting spirit to get each challenge met and successfully completed for we must be responsible for why we were elected. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, February 11, 2021, and Monday, February 15, 2021, were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Schatz—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Hough offered Senate Resolution No. 94, regarding James “Jamie” Alexander Cayley, which was adopted.

Senator Hough offered Senate Resolution No. 95, regarding Sarah Gray, which was adopted.

Senator Hough offered Senate Resolution No. 96, regarding Alys Darter, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 97, regarding the Fiftieth Wedding Anniversary of Henry “Hot Rod” and Gloria Drennen, St. Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 98, regarding the Sixtieth Wedding Anniversary of DeWayne and Mary Alice (Anderson) Curtin, St. Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 99, regarding Colonel Edward E. Black, Atchison, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 100, regarding the One Hundredth Birthday of Wilbur Taylor, St. Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 101, regarding Katlyn Michel Donovan, Weston, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 102, regarding William R. Hausman, St. Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 103, regarding the One Hundredth Birthday of Dorothy Crawford, St. Joseph, which was adopted.

Senator White offered Senate Resolution No. 104, regarding Clif Hoeft, Joplin, which was adopted.

Senator White offered Senate Resolution No. 105, regarding Earl Sherwood, Carthage, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 106, regarding Debria Woolard, Jefferson City, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 107, regarding AVENUES for Northeast Missouri, Inc., Hannibal, which was adopted.

Senator Rehder offered Senate Resolution No. 108, regarding Billy Ray “Bill” Anderson, Morley, which was adopted.

Senator Gannon offered Senate Resolution No. 109, regarding Bloomsdale Excavating Company, Inc., Bloomsdale, which was adopted.

Senator Gannon offered Senate Resolution No. 110, regarding Fellowship Free Will Baptist Church, Park Hills, which was adopted.

Senator White offered Senate Resolution No. 111, regarding Lucas Matthew Ruth, Neosho, which was adopted.

Senator Wieland offered Senate Resolution No. 112, regarding Ian Kutilek, Arnold, which was adopted.

CONCURRENT RESOLUTIONS

Senator Beck offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

Whereas, American farmers and ranchers raise the best meat in the world; and

Whereas, Americans should have the right to knowingly buy made-in-America products; and

Whereas, American farmers, ranchers, workers, and consumers benefit from transparency on the origins of their food; and

Whereas, consumers have repeatedly and overwhelmingly expressed their support for country of origin labeling of food products in the United States; and

Whereas, in 2008, the United States Congress overwhelmingly passed mandatory country of origin labeling for muscle cuts and ground meat sold at retail, requiring meat produced from imported livestock or imported boxed meat to bear a different label from meat produced from United States born, raised, and slaughtered livestock; and

Whereas, trade groups and the organizations representing multinational meat packers worked predominantly with Canada, as well as Mexico, to bring a World Trade Organization case against the United States for the removal of the country of origin labeling requirements; and

Whereas, in 2015, the United States Congress repealed the country of origin labeling law for beef and pork, reducing the competitive advantage of products born, raised, and slaughtered in the United States; and

Whereas, the United States has the highest food safety standards in the world, while other countries place less emphasis on food safety; and

Whereas, foreign commodities like beef and pork are misleadingly labeled “Product of the USA” if they are processed or packed in the United States; and

Whereas, country of origin labeling gives producers and consumers the ability to distinguish true American products from foreign imported meat; and

Whereas, technological advancements make it possible to accurately and efficiently identify the origins of beef and pork without costly separation of imported and domestic commodities; and

Whereas, country of origin labeling is good for farmers, ranchers, workers, and meat packers because it allows them to identify their products as born, raised, and slaughtered in the United States; and

Whereas, the Missouri General Assembly supports American products, and consumers deserve the right to know the origins of their food:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the right of consumers to know the origins of their food, support the use of country of origin labels, and urge the United States Congress to reinstate mandatory country of origin labeling; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri’s Congressional delegation.

Senator Brattin offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

Whereas, hydrocephalus is a serious neurological condition, characterized by the abnormal build up of cerebrospinal fluids in the ventricles of the brain; and

Whereas, there is no known cure for hydrocephalus, which affects an estimated one million Americans; and

Whereas, one or two in every one thousand babies are born with hydrocephalus; and

Whereas, over 375,000 older Americans have hydrocephalus which often goes undetected or misdiagnosed as dementia, Alzheimer’s disease, or Parkinson’s disease; and

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives; and

Whereas, the standard treatment for hydrocephalus was developed in 1953 and carries multiple risks, including shunt failure, infection, and over drainage; and

Whereas, there are fewer than ten centers in the United States specializing in the treatment of adults with normal pressure hydrocephalus; and

Whereas, each year the people of the United States spend in excess of one million dollars to treat hydrocephalus; and

Whereas, the Hydrocephalus Association is one of the nation’s oldest and largest patient and research advocacy and support network for individuals suffering from hydrocephalus; and

Whereas, further research into the epidemiology, pathology, disease burden, and improved treatment of hydrocephalus should be conducted

and supported; and

Whereas, public awareness and professional education regarding hydrocephalus should increase through partnership between the local, state, and federal governments and patient advocacy organizations, such as the Hydrocephalus Association:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the month of October 2021 as “Hydrocephalus Awareness Month” in Missouri so that Missourians can become more familiar with hydrocephalus and the individuals dedicated to finding its cure; and

Be it further resolved that the Missouri General Assembly urges the federal government to collect comprehensive statistics and data regarding the seriousness of hydrocephalus and its impact on American families.

Senator Roberts offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

Whereas, section 173.030 of the Revised Statutes of Missouri describes the process for public colleges and universities to follow when seeking a statewide mission designation; and

Whereas, a college or university must provide the Coordinating Board for Higher Education with particular evidence of the institution’s capacity to discharge a statewide mission successfully; and

Whereas, Harris-Stowe State University provided the Coordinating Board with the necessary evidence that it can successfully discharge a statewide mission in science, technology, engineering, and mathematics (STEM) for underrepresented and underresourced students; and

Whereas, the Coordinating Board voted to approve the request for such designation on December 11, 2019:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby approve of the statewide mission designation in STEM approved by the Coordinating Board for Higher Education for Harris-Stowe State University; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Higher Education and the President of Harris-Stowe State University.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 514—By Onder.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof one new section relating to abortion.

SB 515—By Gannon.

An Act to repeal section 170.047, RSMo, and to enact in lieu thereof one new section relating to youth suicide awareness and prevention training for educators.

SB 516—By Gannon.

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to school make-up days and hours.

SB 517—By Gannon.

An Act to repeal section 162.974, RSMo, and to enact in lieu thereof one new section relating to reimbursement for special education.

SB 518—By Gannon.

An Act to repeal sections 160.514 and 161.502, RSMo, and to enact in lieu thereof two new sections relating to academic performance standards and instruction.

SB 519—By Riddle.

An Act to repeal section 338.710, RSMo, and to enact in lieu thereof one new section relating to a program to promote medication safety.

SB 520—By Roberts.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

SB 521—By Roberts.

An Act to repeal section 191.1165, RSMo, and to enact in lieu thereof one new section relating to medication-assisted treatment.

SB 522—By Koenig.

An Act to repeal sections 143.121 and 143.171, RSMo, and to enact in lieu thereof two new sections relating to income tax, with an emergency clause.

SB 523—By White.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force.

SB 524—By White.

An Act to repeal sections 426.010, 426.020, 426.030, 426.040, 426.050, 426.060, 426.070, 426.080, 426.090, 426.100, 426.110, 426.120, 426.130, 426.140, 426.150, 426.160, 426.170, 426.180, 426.190, 426.200, 426.210, 426.220, 426.230, 426.240, 426.250, 426.260, 426.270, 426.280, 426.290, 426.300, 426.310, 426.320, 426.330, 426.340, 426.350, 426.360, 426.370, 426.380, 426.390, 426.400, and 426.410, RSMo, and to enact in lieu thereof forty-eight new sections relating to the assignment of benefits for creditors.

SB 525—By Arthur.

An Act to repeal section 208.285, RSMo, and to enact in lieu thereof one new section relating to the Missouri farmers' market nutrition program.

SB 526—By Hegeman.

An Act to repeal sections 49.310 and 476.083, RSMo, and to enact in lieu thereof two new sections relating to physical control over areas within courthouses.

SB 527—By Hough.

An Act to repeal section 574.085, RSMo, and to enact in lieu thereof one new section relating to the offense of institutional vandalism, with existing penalty provisions.

SJR 27—By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to exemptions from property tax.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 49**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 49**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 49**

An Act to repeal sections 306.030 and 306.221, RSMo, and to enact in lieu thereof two new sections relating to watercraft.

Was taken up by Senator Brown.

On motion of Senator Brown, **SCS** for **SB 49** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Schatz—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Koenig, **SB 22** was placed on the Informal Calendar.

Senator Eigel moved that **SB 26** be taken up for perfection, which motion prevailed.

Senator Eigel offered **SS** for **SB 26**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 26**

An Act to repeal sections 67.030, 557.045, and 574.085, RSMo, and to enact in lieu thereof five new sections relating to public safety, with penalty provisions.

Senator Eigel moved that SS for **SB 26** be adopted.

Senator May offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 26, Page 5, Section 574.085, Line 34, by inserting after all of said line the following:

“590.192. 1. There is hereby established the “Critical Incident Stress Management Program” within the department of public safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident.

2. All peace officers shall be required to meet with a program service provider every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer’s commanding officer that he or she completed such check-in.

3. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure;

(3) The program representative is a witness or a party to a critical incident that prompted the peace officer to receive critical stress services;

(4) The person receiving services discloses information that is required to be reported under mandatory reporting laws;

(5) The peace officer who received services is deceased; or

(6) The surviving peace officer who received services voluntarily testifies in a proceeding.

4. (1) There is hereby created in the state treasury the “988 Public Safety Fund”, which shall consist of money appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of providing services to peace officers as provided in subsection 1 of this section. The department of public safety shall promulgate any rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after XXX, shall be invalid and void.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the

fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Crawford assumed the Chair.

At the request of Senator Eigel, **SB 26** with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Rowden, the Senate recessed until 7:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Crawford.

SENATE BILLS FOR PERFECTION

Senator Eigel moved that **SB 26** with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator May, **SA 1** was withdrawn.

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 26, Page 5, Section 574.085, Line 34, by inserting after all of said line the following:

“590.192. 1. There is hereby created in the state treasury the “988 Public Safety Fund”, which shall consist of money appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Washington offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 26, Page 3, Section 574.045, Lines 24-40, by striking all of said lines and inserting in lieu thereof the following: **“public street or highway is an infraction for the first violation. Any second violation that occurs on a public street or highway is a class B misdemeanor. Any third or subsequent violation that occurs on a public street or highway is a class E felony.**

4. The offense of unlawful traffic interference on any public street, highway, or interstate highway while part of an unlawful assembly is an infraction for the first violation. Any second violation that occurs on a public street, highway, or interstate highway while part of an unlawful assembly is a class A misdemeanor. Any third or subsequent violation that occurs on a public street, highway, or interstate highway while part of an unlawful assembly is a class D felony.”.

Senator Washington moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 26, Page 2, Section 67.030, Line 22, by inserting after all of said line the following:

“84.400. 1. Any one of said commissioners so appointed or any member of any such police force who, during the term of his office, shall accept any other place of public trust, or emolument, or who shall knowingly receive any nomination for an office elective by the people, and shall fail to decline such nomination publicly within the five days succeeding such nomination or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to have thereby forfeited and vacated office as such commissioner or member of such police force.

2. Notwithstanding any provisions of law to the contrary, a member of the board or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member or member of such police force may accept payment of a per diem for attending meetings, or if no per diem is provided, reimbursement from such board, commission, or task force for reasonable and necessary expenses for attending such meetings.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator Eigel, SS for SB 26 was withdrawn.

Senator Eigel offered SS No. 2 for SB 26, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 26

An Act to repeal sections 67.030, 84.400, 557.045, and 574.085, RSMo, and to enact in lieu thereof seven new sections relating to public safety, with penalty provisions.

Senator Eigel moved that **SS No. 2** for **SB 26** be adopted.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 26, Page 7, Section 590.502, Line 35, by striking the word “individual” and inserting in lieu thereof the following: “**individuals**”; and further amend lines 45-49 by striking all of said lines and inserting in lieu thereof the following: “**identifying information shall be held in camera by the investigating agency;**”; and

Further amend said bill and section, page 9, lines 88-91 by striking all of said lines and inserting in lieu thereof the following: “**the opportunity to review the complaint;**”; and

Further amend said bill and section, page 11, lines 164-169 by striking all of said lines; and

Further renumber the remaining subsections accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Eigel moved that **SS No. 2** for **SB 26**, as amended, be adopted, which motion prevailed.

On motion of Senator Eigel, **SS No. 2** for **SB 26**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 476**, entitled:

An Act to repeal section 324.009, RSMo, and to enact in lieu thereof one new section relating to license reciprocity for military members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 271**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local government expenditure database.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 362**, entitled:

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 59**, entitled:

An Act to amend chapters 51, 52, 53, 54, 55, 59, and 578, RSMo, by adding thereto seven new sections relating to protection of first responders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 547 & 752**, entitled:

An Act to repeal section 311.101, RSMo, and to enact in lieu thereof two new sections relating to alcoholic beverages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator O’Laughlin submitted the following:

February 11, 2021

Adriane Crouse


201 West Capitol Ave, Room 325

Jefferson City, MO 65101

Dear Ms. Crouse,

Due to my recent illness, I ask that I be temporarily recognized from my chair, pursuant to Rule 76.

Sincerely,



Cindy O’Laughlin

State Senator

18th District

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY—TUESDAY, FEBRUARY 23, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 401-Onder	SB 429-Brown
SB 402-Onder	SB 430-Brown
SB 403-Onder	SB 431-Bernskoetter
SB 404-Riddle	SB 432-Cierpiot
SB 405-Luetkemeyer	SB 433-Wieland
SB 406-Cierpiot	SB 434-Washington
SB 407-Beck	SB 435-Hoskins
SB 408-Wieland	SB 436-Hoskins
SB 409-Koenig	SB 437-Hoskins
SB 410-Koenig	SB 438-Rehder
SB 411-Schatz	SB 439-Hegeman
SB 412-Moon	SB 440-Washington
SB 413-Moon	SB 441-Washington
SB 414-Brattin	SB 442-Moon
SB 415-Rehder	SB 443-Moon
SB 416-Schupp	SB 444-May
SB 417-Schupp	SB 445-May
SB 418-Crawford	SB 446-Washington
SB 419-Washington	SB 447-Schupp
SB 420-Washington	SB 448-Rowden
SB 421-Bernskoetter	SB 449-Rowden
SB 422-May	SB 450-Moon
SB 423-May	SB 451-Moon
SB 424-May	SB 452-Moon
SB 425-May	SB 453-Burlison and Luetkemeyer
SB 426-Moon	SB 454-White
SB 427-Moon	SB 455-White
SB 428-Razer	SB 456-Schupp

SB 457-Rizzo	SB 494-Eslinger
SB 458-Brattin	SB 495-Roberts
SB 459-Brattin	SB 496-Burlison
SB 460-May	SB 497-Hough and Hegeman
SB 461-Koenig	SB 498-Hough
SB 462-Koenig	SB 499-Schupp
SB 463-Koenig	SB 500-Schupp
SB 464-Koenig	SB 501-Wieland
SB 465-Hoskins	SB 502-Moon
SB 466-Hoskins	SB 503-Moon
SB 467-Hoskins	SB 504-Rehder
SB 468-Hoskins	SB 505-Brattin
SB 469-Hoskins	SB 506-Bean
SB 470-Hoskins	SB 507-Bean
SB 471-Mosley	SB 508-Bean
SB 472-Schupp and Gannon	SB 509-Washington
SB 473-Brown	SB 510-Brown
SB 474-Bean	SB 511-Hegeman
SB 475-Bean	SB 512-Hough
SB 476-May	SB 513-Hough
SB 477-Eigel	SB 514-Onder
SB 478-Hough	SB 515-Gannon
SB 479-Hough	SB 516-Gannon
SB 480-White	SB 517-Gannon
SB 481-Hough	SB 518-Gannon
SB 482-Beck	SB 519-Riddle
SB 483-Koenig	SB 520-Roberts
SB 484-Gannon	SB 521-Roberts
SB 485-Gannon	SB 522-Koenig
SB 486-Razer	SB 523-White
SB 487-Onder	SB 524-White
SB 488-May	SB 525-Arthur
SB 489-Roberts	SB 526-Hegeman
SB 490-Bernskoetter	SB 527-Hough
SB 491-Bernskoetter	SJR 25-Moon
SB 492-Brattin	SJR 26-Eslinger
SB 493-Gannon	SJR 27-Cierpiot

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310
 HCS for HB 350
 HB 153-Rone
 HCS for HB 574
 HB 476-Grier

HCS for HB 271
 HCS for HB 362
 HCS for HB 59
 HCS for HBs 547 & 752

SENATE BILLS FOR PERFECTION

1. SB 64-Rehder
 2. SB 27-Crawford, with SCS
 3. SB 123-Hough
 4. SB 7-Riddle
 5. SB 38-Bernskoetter
 6. SB 89-Wieland
 7. SB 152-Hoskins, with SCS
 8. SB 11-Schatz
 9. SB 43-White, with SCS

10. SB 330-Burlison
 11. SB 24-Eigel
 12. SB 47-Hough
 13. SB 86-Hegeman
 14. SB 100-Koenig, with SCS
 15. SB 258-White
 16. SB 63-Rehder
 17. SB 262-Schatz, with SCS
 18. SBs 53 & 60-Luetkemeyer, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 51 & 42-Luetkemeyer

SENATE BILLS FOR PERFECTION

SB 1-Hegeman
 SB 10-Schatz, with SS (pending)
 SBs 12, 20, 21, 31, 56, 67 & 68-Onder,
 with SCS, SS for SCS & SA 5 (pending)

SB 22-Koenig
 SBs 55, 23 & 25-O'Laughlin, et al, with
 SCS

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 29-Crawford
SB 93-Onder
SB 189-Washington

SB 9-Riddle
SB 72-Eslinger
SB 78-Beck

RESOLUTIONS

Reported from Committee

SCR 2-Moon

To be Referred

SCR 10-Beck
SCR 11-Brattin

SCR 12-Roberts

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY—TUESDAY, FEBRUARY 23, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I am a great believer in luck, and I find that the harder I work the more of it I have.” (Thomas Jefferson)

Heavenly Father, we are mindful of all that is coming before us and realize that to accomplish the things that are to be completed, we must be diligent in our work here and mindful of our responsibilities as well as the cooperation of our work with colleagues. Help us to see this time here as Your gift to us to make happen what must be done to bring about laws that are helpful and address the knotty problems that we are addressing. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Onder offered Senate Resolution No. 113, regarding Julia Hillyer, Lake Saint Louis, which was adopted.

Senator Onder offered Senate Resolution No. 114, regarding Cameron Short, O'Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 115, regarding Milo Cravens, St. Peters, which was adopted.

Senator Onder offered Senate Resolution No. 116, regarding Alex Barnes, O'Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 117, regarding Dr. Christopher J. Wolf, Wentzville, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 528—By White.

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the minutemen of the state, with penalty provisions.

SB 529—By Cierpiot.

An Act to repeal section 144.140, RSMo, and to enact in lieu thereof one new section relating to sales taxes.

SB 530—By Crawford.

An Act to repeal sections 8.260, 34.047, 34.057, 34.058, 34.100, 34.203, 34.206, 34.209, 34.212, 34.217, and 34.218, RSMo, and to enact in lieu thereof eleven new sections relating to public contracts.

SB 531—By Schupp.

An Act to amend chapters 135 and 208, RSMo, by adding thereto two new sections relating to financial assistance for the purchase of certain period and diaper products.

SB 532—By Rehder.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Rush Limbaugh day.

SB 533—By Rehder.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SB 26**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Schatz assumed the Chair.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 179**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SBs 51** and **42**, introduced by Senator Luetkemeyer, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 51 & 42

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to civil actions, with an emergency clause.

Was taken up.

On motion of Senator Luetkemeyer, **SS No. 2** for **SCS** for **SBs 51** and **42** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	O’Laughlin
Onder	Rehder	Riddle	Rowden	Schatz	White—20	

NAYS—Senators

Arthur	Beck	Brattin	Eigel	May	Moon	Mosley
Razer	Rizzo	Roberts	Schupp	Wieland	Williams—13	

Absent—Senator Washington—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause failed of adoption by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hough	Koenig	Luetkemeyer	O’Laughlin	Onder
Rehder	Riddle	Rowden	Schatz	White—19		

NAYS—Senators

Arthur	Beck	Brattin	Eigel	Hoskins	May	Moon
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Mosley
Williams—15

Razer

Rizzo

Roberts

Schupp

Washington

Wieland

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator O’Laughlin moved that **SB 55, SB 23 and SB 25**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 55, 23 and 25**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 55, 23 & 25

An Act to repeal sections 160.400, 160.425, 161.022, and 161.670, RSMo, and to enact in lieu thereof nineteen new sections relating to elementary and secondary education, with penalty provisions.

Was taken up.

Senator O’Laughlin moved that **SCS** for **SBs 55, 23 and 25** be adopted.

Senator Rowden, et al offered **SS** for **SCS** for **SBs 55, 23 and 25**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 55, 23 & 25

An Act to repeal sections 160.400, 160.415, 160.425, 160.518, 160.545, 161.092, 161.097, 161.670, 163.023, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 167.263, 167.268, 167.645, and 171.033, RSMo, and to enact in lieu thereof forty new sections relating to elementary and secondary education, with penalty provisions.

Senator Rowden moved that **SS** for **SCS** for **SBs 55, 23 and 25** be adopted.

At the request of Senator O’Laughlin, **SB 55, SB 23 and SB 25**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator O’Laughlin moved that **SB 55, SB 23 and SB 25**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SCS for SBs 55, 23 and 25 was again taken up.

Senator Rowden offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 55, 23 and 25, Page 32, Section 160.425, Line 75, by striking “”Charter Public” and inserting in lieu thereof the following: “”**Missouri Charter**”.

Senator Rowden moved that the above amendment be adopted.

Senator Rowden offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 55, 23 and 25, Page 1, Section 160.425, Line 2, of the amendment, by striking the word “Public”.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Rowden moved that SA 1, as amended, be adopted, which motion prevailed.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Koenig offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 55, 23 and 25, Page 73, Section 162.686, Line 20, by inserting after all of said line the following:

“163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; and

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

(5) Beginning July 1, 2022, limits individual administrator and individual superintendent total compensation to no more than three times the average total compensation provided to all teachers who are certified under section 168.021 and employed full time by the school district. For purposes of this subdivision, “total compensation” shall include all amounts of base salary, district paid medical benefits, health insurance, life insurance, supplemental insurance, bonus and incentive pay, auto or mileage allowances, use of district-owned automobiles, membership dues, retirement benefits, and any additional annuity. In order to receive state aid under this section in any year after July 1, 2022, any such school district with an administrator or superintendent receiving total compensation in excess of the limits prescribed under this subdivision on July 1, 2022, shall demonstrate to the department that the compensation of such administrator or superintendent is reduced by one-third in each subsequent year so that the total compensation for such administrator or superintendent conforms to this subdivision on or before July 1, 2025.

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year

with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Koenig offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 55, 23 and 25, Page 2, Section 163.021, Line 50, by striking the word “three” and inserting in lieu thereof the following: “two and one-half”.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SA 2**, as amended, be adopted.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Koenig, **SA 2** was withdrawn.

At the request of Senator Rowden, **SS** for **SCS** for **SBs 55, 23** and **25** was withdrawn.

Senator Rowden offered **SS No. 2** for **SCS** for **SBs 55, 23** and **25**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 55, 23 & 25

An Act to repeal sections 160.400, 160.415, 160.425, 160.518, 160.545, 161.092, 161.097, 162.720,

163.011, 163.023, 167.263, 167.268, 167.645, and 171.033, RSMo, and to enact in lieu thereof thirty-one new sections relating to elementary and secondary education, with penalty provisions and a contingent effective date for certain sections.

Senator Rowden moved that **SS No. 2** for **SCS** for **SBs 55, 23 and 25** be adopted.

Senator Moon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 55, 23 & 25, Page 88, Section 167.790, Line 38, by inserting after all of said line the following:

“170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate

situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's CyberTipline;

(8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends; and

(9) Teach pupils about sexual harassment, sexual violence, and consent:

(a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent;

(b) For the purposes of this subdivision, the term "sexual harassment" shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate;

(c) For the purposes of this subdivision, the term "sexual violence" shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. Before providing any course materials and instruction relating to human sexuality and sexually transmitted diseases to any student, regardless of the course title or description, a school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) the basic content of the district's or school's human sexuality **and sexually transmitted diseases course materials and** instruction to be provided to the student[; and

(2) The parent's right to remove]. **After receipt of such basic content, the parent or legal guardian of each student shall indicate in writing whether the parent or legal guardian desires to allow the district or school to include the student [from] in any part of the district's or school's human sexuality and sexually transmitted diseases course materials and instruction. No school shall provide any course materials and instruction relating to human sexuality and sexually transmitted diseases to a student until the district or school has received such written indication from the student's parent or legal guardian that the student may receive such course materials and instruction.**

6. A school district or charter school shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection pursuant to chapter 610 prior to the use of such

materials in actual instruction.

7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services, **directly or indirectly**.

8. As used in this section, the following terms mean:

(1) “Abortion”, the same meaning as such term is defined in section 188.015;

(2) “Abortion services”:

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion[, which] **that** is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother.

9. (1) Any person or entity who violates the provisions of this section shall be guilty of a class C misdemeanor.

(2) In any legal proceeding related to a violation of this section, no entity directly or indirectly receiving any taxpayer funds shall provide any legal advice, counsel, or representation to any person or entity that violates this section.

(3) Any attendance center or school district found in violation of this section shall be subject to a civil penalty in the amount of ten thousand dollars, payable to the services to victims fund established pursuant to section 595.100.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Moon requested a roll call vote be taken and was joined in his request by Senators Brattin, Eigel, Rehder and Rizzo.

SA 1 was adopted by the following vote:

YEAS—Senators

Bernskoetter	Brattin	Burlison	Crawford	Eigel	Eslinger	Gannon
Hoskins	Koenig	Moon	O’Laughlin	Onder	Rehder	Riddle
Rowden	Schatz	Wieland—17				

NAYS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Hegeman	Hough
May	Mosley	Razer	Rizzo	Roberts	Schupp	Washington
White	Williams—16					

Absent—Senators—None

Absent with leave—Senator Luetkemeyer— 1

Vacancies—None

Senator Hegeman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 55, 23 & 25, Page 6, Section 135.713, Line 34, by inserting after “163.161.” the following: **“In any year in which the total formula appropriation for state aid to school districts for the current fiscal year does not equal or exceed by the full amount of the entitlement calculation under section 163.031 for the current fiscal year, the cumulative amount of tax credits available shall be multiplied by the quotient of the total formula appropriation for state aid to school districts for the current fiscal year divided by the full amount of the entitlement calculation under section 163.031 for the current fiscal year.”**; and

Further amend said bill, section 166.705, page 72, line 71, by inserting after all of said line the following:

“3. In any fiscal year in which the amount appropriated and expended for pupil transportation under section 163.161 is less than forty percent of the allowable costs of providing pupil transportation as provided in section 161.161, no new Missouri empowerment scholarship account shall be established in the subsequent fiscal year, unless such account is established for the benefit of a sibling of an eligible student already participating in the program.”; and

Further renumber the remaining subsections accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Rowden moved that **SS No. 2** for **SCS** for **SBs 55, 23 and 25**, as amended, be adopted, which motion prevailed.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator O’Laughlin, **SB 55, SB 23 and SB 25**, with **SCS, SS No. 2** for **SCS**, as amended, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Schatz referred **SCR 10, SCR 11 and SCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred **SS No. 2** for **SB 26** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Williams offered Senate Resolution No. 118, regarding the One Hundred and Twentieth Anniversary of the Glen Echo Country Club, Normandy, which was adopted.

INTRODUCTION OF GUESTS

Senator Eslinger introduced to the Senate, Gabriel Todd, Mountain Grove.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY—WEDNESDAY, FEBRUARY 24, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 401-Onder	SB 430-Brown
SB 402-Onder	SB 431-Bernskoetter
SB 403-Onder	SB 432-Cierpiot
SB 404-Riddle	SB 433-Wieland
SB 405-Luetkemeyer	SB 434-Washington
SB 406-Cierpiot	SB 435-Hoskins
SB 407-Beck	SB 436-Hoskins
SB 408-Wieland	SB 437-Hoskins
SB 409-Koenig	SB 438-Rehder
SB 410-Koenig	SB 439-Hegeman
SB 411-Schatz	SB 440-Washington
SB 412-Moon	SB 441-Washington
SB 413-Moon	SB 442-Moon
SB 414-Brattin	SB 443-Moon
SB 415-Rehder	SB 444-May
SB 416-Schupp	SB 445-May
SB 417-Schupp	SB 446-Washington
SB 418-Crawford	SB 447-Schupp
SB 419-Washington	SB 448-Rowden
SB 420-Washington	SB 449-Rowden
SB 421-Bernskoetter	SB 450-Moon
SB 422-May	SB 451-Moon
SB 423-May	SB 452-Moon
SB 424-May	SB 453-Burlison and Luetkemeyer
SB 425-May	SB 454-White
SB 426-Moon	SB 455-White
SB 427-Moon	SB 456-Schupp
SB 428-Razer	SB 457-Rizzo
SB 429-Brown	SB 458-Brattin

SB 459-Brattin	SB 498-Hough
SB 460-May	SB 499-Schupp
SB 461-Koenig	SB 500-Schupp
SB 462-Koenig	SB 501-Wieland
SB 463-Koenig	SB 502-Moon
SB 464-Koenig	SB 503-Moon
SB 465-Hoskins	SB 504-Rehder
SB 466-Hoskins	SB 505-Brattin
SB 467-Hoskins	SB 506-Bean
SB 468-Hoskins	SB 507-Bean
SB 469-Hoskins	SB 508-Bean
SB 470-Hoskins	SB 509-Washington
SB 471-Mosley	SB 510-Brown
SB 472-Schupp and Gannon	SB 511-Hegeman
SB 473-Brown	SB 512-Hough
SB 474-Bean	SB 513-Hough
SB 475-Bean	SB 514-Onder
SB 476-May	SB 515-Gannon
SB 477-Eigel	SB 516-Gannon
SB 478-Hough	SB 517-Gannon
SB 479-Hough	SB 518-Gannon
SB 480-White	SB 519-Riddle
SB 481-Hough	SB 520-Roberts
SB 482-Beck	SB 521-Roberts
SB 483-Koenig	SB 522-Koenig
SB 484-Gannon	SB 523-White
SB 485-Gannon	SB 524-White
SB 486-Razer	SB 525-Arthur
SB 487-Onder	SB 526-Hegeman
SB 488-May	SB 527-Hough
SB 489-Roberts	SB 528-White
SB 490-Bernskoetter	SB 529-Cierpiot
SB 491-Bernskoetter	SB 530-Crawford
SB 492-Brattin	SB 531-Schupp
SB 493-Gannon	SB 532-Rehder
SB 494-Eslinger	SB 533-Rehder
SB 495-Roberts	SJR 25-Moon
SB 496-Burlison	SJR 26-Eslinger
SB 497-Hough and Hegeman	SJR 27-Cierpiot

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310
 HCS for HB 350
 HB 153-Rone
 HCS for HB 574
 HB 476-Grier

HCS for HB 271
 HCS for HB 362
 HCS for HB 59
 HCS for HBs 547 & 752

THIRD READING OF SENATE BILLS

SS#2 for SB 26-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 64-Rehder
 2. SB 27-Crawford, with SCS
 3. SB 123-Hough
 4. SB 7-Riddle
 5. SB 38-Bernskoetter
 6. SB 89-Wieland
 7. SB 152-Hoskins, with SCS
 8. SB 11-Schatz
 9. SB 43-White, with SCS
 10. SB 330-Burlison

11. SB 24-Eigel
 12. SB 47-Hough
 13. SB 86-Hegeman
 14. SB 100-Koenig, with SCS
 15. SB 258-White
 16. SB 63-Rehder
 17. SB 262-Schatz, with SCS
 18. SBs 53 & 60-Luetkemeyer, with SCS
 19. SB 179-Luetkemeyer

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman
 SB 10-Schatz, with SS (pending)
 SBs 12, 20, 21, 31, 56, 67 & 68-Onder,
 with SCS, SS for SCS & SA 5 (pending)

SB 22-Koenig
 SS#2 for SCS for SBs 55, 23 & 25, as
 amended-O'Laughlin, et al

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 29-Crawford

SB 93-Onder

SB 189-Washington
SB 9-Riddle

SB 72-Eslinger
SB 78-Beck

RESOLUTIONS

Reported from Committee

SCR 2-Moon

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY—WEDNESDAY, FEBRUARY 24, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Ask, and it will be given you; search and you will find, knock, and the door will be opened for you.” (Matthew 7:7)

Wondrous God, we look about us and see that life can make the most hopeful of us become a people most skeptical. We have difficulty seeing what is true and what is not. At times we are uncertain of the best path to follow and if it is what You desire us to take. So, we ask as we move into the rest of this week that we be excited in the possibilities before us and be encouraged to seek Your will for us. May we trust always that we who heed Your word can ask, seek and knock and our path will be open before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 119, regarding Nora Black, Rush Hill, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 534—By Rehder.

An Act to repeal section 491.015, RSMo, and to enact in lieu thereof one new section relating to witnesses in certain criminal cases.

SB 535—By Gannon.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to standards for the procurement of concrete by the state.

SB 536—By Hough.

An Act to repeal section 210.115, RSMo, and to enact in lieu thereof two new sections relating to unaccompanied youth.

SB 537—By Burlison.

An Act to repeal section 191.237, RSMo, and to enact in lieu thereof one new section relating to health information networks.

SB 538—By Burlison.

An Act to repeal section 338.165, RSMo, and to enact in lieu thereof one new section relating to pharmacy services in hospitals.

SB 539—By Burlison.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security.

SB 540—By Burlison.

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of records.

SB 541—By Brown.

An Act to repeal sections 173.260, 190.001, 190.060, 190.098, 190.100, 190.103, 190.104, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.176, 190.180, 190.185, 190.196, 190.200, 190.241, 190.243, 190.245, 190.248, and 287.243, RSMo, and to enact in lieu thereof thirty new sections relating to emergency health care services, with existing penalty provisions.

SB 542—By Washington.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security benefits.

SB 543—By Washington.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the collection of demographic data by certain entities.

Senator Bernskoetter assumed the Chair.

SB 544—By Brattin.

An Act to repeal sections 290.095, 290.210, 290.220, 290.230, 290.235, 290.257, 290.262, and 290.270, RSMo, and to enact in lieu thereof eight new sections relating to public contracts.

SB 545—By Williams.

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to a tax credit for certain research expenses.

SB 546—By Crawford.

An Act to repeal sections 319.123, 319.129, 319.131, and 319.132, RSMo, and to enact in lieu thereof four new sections relating to underground petroleum storage tanks.

SB 547—By Hoskins.

An Act to repeal section 105.145, RSMo, and to enact in lieu thereof one new section relating to political subdivisions, with penalty provisions.

SB 548—By Hoskins.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to continuing education credits for insurance producers.

SB 549—By Hoskins.

An Act to repeal sections 285.500, 287.020, 288.034, and 295.020, RSMo, and to enact in lieu thereof five new sections relating to the classification of employees.

SB 550—By Schupp.

An Act to repeal sections 192.2520 and 197.135, RSMo, and to enact in lieu thereof two new sections relating to forensic examinations.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 78**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 9**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Burlison requested unanimous consent of the Senate to withdraw **SB 496**, which request was granted.

On the motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Anne-Marie Clarke as a member of the Coordinating Board for Higher Education, submitted to you on February 11, 2021. Line 1 should be amended to read:

Anne-Marie Clarke, Independent, 3439 Longfellow Boulevard, Saint Louis, Saint Louis

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paul Cordia, 2409 South Country Club Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2022, and until his successor is duly appointed and qualified; vice, Mary Craig, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carrie Gallagher Crompton, Democrat, 1722 Nicholson Place, Saint Louis, Saint Louis City, Missouri 63104, as a member of the Missouri Community Service Commission, for a term ending December 15, 2021, and until her successor is duly appointed and qualified; vice, Reena Hajat Carroll, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jennifer Ingraham, Independent, 3501 Northwest 62nd Terrace, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Community Service Commission, for a term ending December 15, 2022, and until her successor is duly appointed and qualified; vice,

Cheryl Hibbeler, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jill C. Irvin, 276 Culloden Moore, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Tracy Gonzalez, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Alex LeCure, 709 South Country Club Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2022, and until his successor is duly appointed and qualified; vice, Donna Jo Neely, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle L. Miller, 327 South Hill Street, West Plains, Howell County, Missouri 65775, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2022, and until her successor is duly appointed and qualified; vice, Michelle L. Miller, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian D. Neuner, 7651 East Highway WW, Columbia, Boone County, Missouri 65201, as a member of the Mental Health Commission, for a term ending June 28, 2024, and until his successor is duly appointed and qualified; vice, Stephen Roling, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Giridhar Sriperumbudoor, Independent, 16640 Benton Taylor Drive, Chesterfield, Saint Louis County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2022, and until his successor is duly appointed and qualified; vice, Linda Duffy, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

Governor

State of Missouri

February 24, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William L. (Skip) Stephens, Independent, 2905 Sweet Flag Court, Dardenne Prairie, Saint Charles County, Missouri 63368, as a member of the Missouri Community Service Commission, for a term ending December 15, 2022, and until his successor is duly appointed and qualified; vice, Stanley Whitehurst, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments, reappointment, and addendum to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 551—By May.

An Act to amend chapter 550, RSMo, by adding thereto one new section relating to mental health programs for peace officers.

SB 552—By May.

An Act to repeal section 558.047, RSMo, and to enact in lieu thereof one new section relating to sentence review for certain persons.

SB 553—By Gannon.

An Act to authorize the conveyance of certain state property.

SB 554—By Eigel.

An Act to amend chapter 30, RSMo, by adding thereto one new section relating to the receipt of federal economic stimulus funds, with an emergency clause.

THIRD READING OF SENATE BILLS

SB 29, introduced by Senator Crawford, entitled:

An Act to repeal section 303.220, RSMo, and to enact in lieu thereof one new section relating to certificates of self-insurance, with an emergency clause.

Was called from the Consent Calendar and taken up.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

On motion of Senator Crawford, **SB 29** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Moon—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

May Moon—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 93, introduced by Senator Onder, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to health care.

Was called from the Consent Calendar and taken up.

On motion of Senator Onder, **SB 93** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Moon Schupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 189, introduced by Senator Washington, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a Negro Leagues Baseball Museum special license plate.

Was called from the Consent Calendar and taken up.

On motion of Senator Washington, **SB 189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin

Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Washington, title to the bill was agreed to.

Senator Washington moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 72, introduced by Senator Eslinger, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to fox trotter week.

Was called from the Consent Calendar and taken up.

On motion of Senator Eslinger, **SB 72** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Eslinger, title to the bill was agreed to.

Senator Eslinger moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hough assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Moon moved that **SCR 2** to be taken up for adoption, which motion prevailed.

On motion of Senator Moon, **SCR 2** was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Rehder moved that **SB 64** be taken up for perfection, which motion prevailed.

Senator Rehder offered **SS** for **SB 64**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 64

An Act to repeal sections 579.040 and 579.076, RSMo, and to enact in lieu thereof two new sections relating to distributors of hypodermic needles, with penalty provisions.

Senator Rehder moved that **SS** for **SB 64** be adopted.

Senator Hoskins offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 64, Page 1, Section 579.040, Line 20, by inserting after “building” the following: “**commencing operations**”.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Rehder moved that **SS** for **SB 64**, as amended, be adopted, which motion prevailed.

On motion of Senator Rehder, **SS** for **SB 64**, as amended, was declared perfected and ordered printed.

Senator Crawford moved that **SB 27**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 27**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 27

An Act to repeal section 50.166, RSMo, and to enact in lieu thereof one new section relating to county officials.

Was taken up.

Senator Crawford offered **SS** for **SCS** for **SB 27**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 27

An Act to repeal sections 50.166, 50.327, 59.021, 59.100, and 451.040, RSMo, and to enact in lieu thereof five new sections relating to county officials, with existing penalty provisions.

Senator Crawford moved that **SS** for **SCS** for **SB 27** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 3, Section 50.327, Line 41, by inserting after all of said line the following:

“50.530. As used in sections 50.530 to 50.745:

(1) “Accounting officer” means county auditor in counties of the first and second classifications and the county clerks in counties of the third and fourth classifications;

(2) “Budget officer” means such person, as may, from time to time, be appointed by the county commission of counties of the first classification except in counties of the first classification with a population of less than one hundred thousand inhabitants according to the official United States Census of 1970 the county auditor shall be the chief budget officer, the presiding commissioner of the county commission in counties of the second classification, unless the county commission designates the county clerk as budget officer, and the county clerk in counties of the third and fourth classification. [Notwithstanding the provisions of this subdivision to the contrary, in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.]; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 1, Section A, Line 4, by inserting after all of said line the following:

“49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county

commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification and any county of the third, second, or first classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.

3. For any courthouse that contains both a county office and a courtroom, the presiding judge of the circuit in which the courthouse is located may establish rules for courtrooms, jury rooms, and chambers or offices of the court, but the county commission shall have authority over all other areas of the courthouse.”; and

Further amend said bill, page 4, section 59.100, line 15 by inserting after all of said line the following:

“221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner’s parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner’s parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

(1) Until July 1, 1996, seventeen dollars per day per prisoner;

(2) On and after July 1, 1996, twenty dollars per day per prisoner;

(3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations[, but not less than the amount appropriated in the previous fiscal year].

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.”; and

Further amend said bill, page 7, section 451.040, line 101 by inserting after all of said line the following:

“476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of [the courthouse,] **courtrooms, jury rooms, and chambers or offices of the court;** serving court-generated papers and orders[.]; and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years’ prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

- (1) Serve process;
- (2) Wear a concealable firearm; and
- (3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 1, In the Title, Line 4, by striking the words “county officials” and inserting in lieu thereof the following: “political subdivisions”; and

Further amend said bill, page 4, section 59.100, line 15 by inserting after all of said line the following:

“115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493 which are published within the bounds of the area holding the election. If there is only one so-qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate’s name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order, but in no event shall

a candidate or issue be stricken or removed from the ballot less than eight weeks before the date of the election.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the [sixteenth] **seventeenth** Tuesday prior to the election[, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election]. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the [eleventh] **fourteenth** Tuesday prior to the election. The political subdivision or special district calling an election shall, before the [sixteenth] **seventeenth** Tuesday, [or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city,] prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification of the notice of election required in subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Crawford moved that **SS** for **SCS** for **SB 27**, as amended, be adopted, which motion prevailed.

On motion of Senator Crawford, **SS** for **SCS** for **SB 27**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following the message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 334**, entitled:

An Act to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Roberts offered Senate Resolution No. 120, regarding Legal Services of Eastern Missouri, St. Louis, which was adopted.

COMMUNICATIONS

Senator Schupp submitted the following:

February 24, 2021

Adriane Crouse - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Ms. Crouse:

RE: Senate Bill 93

Please let this correspondence serve to record that the committee minutes for Senate Bill 93 inaccurately reflect that on February 10, 2021 I voted “Yes” on the do-pass and on the consent motions on the bill. I was absent for the votes and should have been recorded as such.

Sincerely,



Jill Schupp

INTRODUCTION OF GUESTS

Senator Eslinger introduced to the Senate, John Casey, Texas County; coaches: Alicia Gunter; Chris Taylor; Abby Eldringhoff; and the West Plains Lady Zizzers.

Senator Bean introduced to the Senate, Steve Bubanovich, Van Buren; Bill Robinson, Bloomfield; Kyle Hulsey, West Plains; Chris Scanlon, Chesterfield; and Ed Austin, Ballwin.

Senator Brattin introduced to the Senate, Reginald Townsend, Raymore; and Adrien Townsend, Raymore.

Senator Williams introduced to the Senate, Yalaka Huyette, Clayton

Senator Crawford introduced to the Senate, Leadership Buffalo.

Senator Schupp introduced to the Senate, Rick Holton, and his family Lotsie and Kristen Holton, Ladue.

Senator Hoskins introduced to the Senate, General Randy and Teresa Alewel, Warrensburg.

Senator Bean introduced to the Senate, Brett Matthews, Charleston.

On the motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SIXTH DAY—THURSDAY, FEBRUARY 25, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 401-Onder	SB 436-Hoskins
SB 402-Onder	SB 437-Hoskins
SB 403-Onder	SB 438-Rehder
SB 404-Riddle	SB 439-Hegeman
SB 405-Luetkemeyer	SB 440-Washington
SB 406-Cierpiot	SB 441-Washington
SB 407-Beck	SB 442-Moon
SB 408-Wieland	SB 443-Moon
SB 409-Koenig	SB 444-May
SB 410-Koenig	SB 445-May
SB 411-Schatz	SB 446-Washington
SB 412-Moon	SB 447-Schupp
SB 413-Moon	SB 448-Rowden
SB 414-Brattin	SB 449-Rowden
SB 415-Rehder	SB 450-Moon
SB 416-Schupp	SB 451-Moon
SB 417-Schupp	SB 452-Moon
SB 418-Crawford	SB 453-Burlison and Luetkemeyer
SB 419-Washington	SB 454-White
SB 420-Washington	SB 455-White
SB 421-Bernskoetter	SB 456-Schupp
SB 422-May	SB 457-Rizzo
SB 423-May	SB 458-Brattin
SB 424-May	SB 459-Brattin
SB 425-May	SB 460-May
SB 426-Moon	SB 461-Koenig
SB 427-Moon	SB 462-Koenig
SB 428-Razer	SB 463-Koenig
SB 429-Brown	SB 464-Koenig
SB 430-Brown	SB 465-Hoskins
SB 431-Bernskoetter	SB 466-Hoskins
SB 432-Cierpiot	SB 467-Hoskins
SB 433-Wieland	SB 468-Hoskins
SB 434-Washington	SB 469-Hoskins
SB 435-Hoskins	SB 470-Hoskins

SB 471-Mosley	SB 515-Gannon
SB 472-Schupp and Gannon	SB 516-Gannon
SB 473-Brown	SB 517-Gannon
SB 474-Bean	SB 518-Gannon
SB 475-Bean	SB 519-Riddle
SB 476-May	SB 520-Roberts
SB 477-Eigel	SB 521-Roberts
SB 478-Hough	SB 522-Koenig
SB 479-Hough	SB 523-White
SB 480-White	SB 524-White
SB 481-Hough	SB 525-Arthur
SB 482-Beck	SB 526-Hegeman
SB 483-Koenig	SB 527-Hough
SB 484-Gannon	SB 528-White
SB 485-Gannon	SB 529-Cierpiot
SB 486-Razer	SB 530-Crawford
SB 487-Onder	SB 531-Schupp
SB 488-May	SB 532-Rehder
SB 489-Roberts	SB 533-Rehder
SB 490-Bernskoetter	SB 534-Rehder
SB 491-Bernskoetter	SB 535-Gannon
SB 492-Brattin	SB 536-Hough
SB 493-Gannon	SB 537-Burlison
SB 494-Eslinger	SB 538-Burlison
SB 495-Roberts	SB 539-Burlison
SB 497-Hough and Hegeman	SB 540-Burlison
SB 498-Hough	SB 541-Brown
SB 499-Schupp	SB 542-Washington
SB 500-Schupp	SB 543-Washington
SB 501-Wieland	SB 544-Brattin
SB 502-Moon	SB 545-Williams
SB 503-Moon	SB 546-Crawford
SB 504-Rehder	SB 547-Hoskins
SB 505-Brattin	SB 548-Hoskins
SB 506-Bean	SB 549-Hoskins
SB 507-Bean	SB 550-Schupp
SB 508-Bean	SB 551-May
SB 509-Washington	SB 552-May
SB 510-Brown	SB 553-Gannon
SB 511-Hegeman	SB 554-Eigel
SB 512-Hough	SJR 25-Moon
SB 513-Hough	SJR 26-Eslinger
SB 514-Onder	SJR 27-Cierpiot

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310
HCS for HB 350
HB 153-Rone
HCS for HB 574
HB 476-Grier

HCS for HB 271
HCS for HB 362
HCS for HB 59
HCS for HBs 547 & 752
HCS for HB 334

THIRD READING OF SENATE BILLS

SS#2 for SB 26-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 123-Hough
2. SB 7-Riddle
3. SB 38-Bernskoetter
4. SB 89-Wieland
5. SB 152-Hoskins, with SCS
6. SB 11-Schatz
7. SB 43-White, with SCS
8. SB 330-Burlison
9. SB 24-Eigel

10. SB 47-Hough
11. SB 86-Hegeman
12. SB 100-Koenig, with SCS
13. SB 258-White
14. SB 63-Rehder
15. SB 262-Schatz, with SCS
16. SBs 53 & 60-Luetkemeyer, with SCS
17. SB 179-Luetkemeyer

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman
SB 10-Schatz, with SS (pending)
SBs 12, 20, 21, 31, 56, 67 & 68-Onder,
with SCS, SS for SCS & SA 5 (pending)

SB 22-Koenig
SS#2 for SCS for SBs 55, 23 & 25, as
amended-O'Laughlin, et al

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY—THURSDAY, FEBRUARY 25, 2021

The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

The Reverend Carl Gauck offered the following prayer:

“The Lord has heard my supplication; the Lord accepts my prayer.” (Psalm 6:9)

Loving God, help us to remember that You are more ready to listen to our prayers than we are to pray. Help us to remember that without regular prayer we are in danger of giving into temptation when a crisis arises in our lives. And we would ask, help us to know that by praying we gain the strength to face each day and the challenges it will bring. So Lord “watch our going out and coming in” as we head home to loved ones. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Schupp, Williams, Eigel, and Onder offered Senate Resolution No. 121, regarding Saint Louis Crisis Nursery, St. Louis, which was adopted.

Senators May and Williams offered Senate Resolution No. 122, regarding Hazel Erby, St. Louis County, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 555—By Hoskins.

An Act to amend chapters 162 and 170, RSMo, by adding thereto two new sections relating to liability claims in educational settings.

SB 556—By Hoskins.

An Act to repeal section 67.1471, RSMo, and to enact in lieu thereof one new section relating to the department of economic development.

SB 557—By Hoskins.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to public contracts.

SB 558—By Brattin.

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to common sewer districts.

SB 559—By Schatz.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the public right-of-way.

SB 560—By Schatz.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to retail storage and transport of alcohol.

SB 561—By Gannon.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to children in the custody of the state.

SB 562—By Schupp.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to food banks.

SB 563—By Burlison.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the federal Child and Adult Care Food Program.

SB 564—By Rehder.

An Act to repeal section 577.010, RSMo, and to enact in lieu thereof one new section relating to substance use disorder treatment programs, with existing penalty provisions.

SB 565—By Moon.

An Act to repeal sections 162.1040, 162.1042, 162.1045, 162.1047, 162.1049, 162.1052, 162.1055, 162.1057, 162.1059, and 162.1190, RSMo, and to enact in lieu thereof two new sections relating to

elementary and secondary education.

SB 566—By Moon.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to campus intellectual diversity.

SB 567—By White.

An Act to repeal section 144.064, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for the sale of firearms.

SB 568—By White.

An Act to repeal sections 571.101 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to concealed carry permits, with existing penalty provisions.

SB 569—By Arthur.

An Act to repeal section 43.150, RSMo, and to enact in lieu thereof one new section relating to discipline procedures for the highway patrol, with existing penalty provisions.

SB 570—By Hough.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to broadband infrastructure improvement.

SJR 28—By Hegeman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation of public officials.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SB 26**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Randy A. Alewel and Steve Maples, as members of the Missouri Veterans' Commission;

Also,

Rick Holton, Jr., Republican, as a member of the Missouri Development Finance Board;

Also,

Reginald Townsend, as a member of the Kansas City Area Transportation Authority; and

Deborah Lynn Price, Independent, as a member of the Harris-Stowe State University Board of Regents.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

THIRD READING OF SENATE BILLS

SS No. 2 for SB 26, introduced by Senator Eigel, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 26

An Act to repeal sections 67.030, 84.400, 557.045, and 574.085, RSMo, and to enact in lieu thereof seven new sections relating to public safety, with penalty provisions.

Was taken up.

Senator Rowden assumed the Chair.

On motion of Senator Eigel, **SS No. 2 for SB 26** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Moon	O’Laughlin	Rehder	Riddle	Rowden
Schatz	White	Wieland—24				

NAYS—Senators

Arthur	May	Mosley	Razer	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senator Onder—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On the motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 6**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 9**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 153**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 91**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 283**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 119**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 149**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SJR 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 137**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 163**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 40**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 301**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 333**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was

referred **SB 327**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 289**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 46**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 212**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 27** and **SS** for **SB 64**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 3

Whereas, Missouri was part of the 1803 Louisiana Purchase and became a state in 1821; and

Whereas, the terms of Missouri's statehood included that Missouri would be the only state north of the Mason-Dixon line that was a slave state; and

Whereas, the tensions in the nation regarding racial equality, or lack thereof, have played out in profound ways in the state of Missouri; and

Whereas, St. Louis, being situated on the Mississippi River, was uniquely positioned to be a destination for the slave trade; and

Whereas, tensions of human inequality are profoundly apparent in the history of the state; and

Whereas, when persons with African ancestry in Missouri sued for their freedom, such freedom was sometimes granted, within the legal parameters allowed; and

Whereas, the tension in the nation over the issue of slavery and human inequality resulted in Dred and Harriet Scott, persons with African

ancestry, being denied freedom in this state in a decision by the Missouri Supreme Court on March 22, 1852; and

Whereas, that 1852 Missouri Supreme Court decision deviated from Court precedent freeing former slaves and stated: “Times are not now as they once were when the former decisions on this subject were made. Since then not only individuals but States have been possessed with dark and fell spirit in relation to slavery . . . the state of Missouri . . . is willing to assume her full responsibility for the existence of slavery within her limits, nor does she seek to share or divide it with others,”; and

Whereas, after this decision, the Scotts persisted in their pursuit for freedom, ultimately resulting in the infamous decision by the Supreme Court of the United States on March 6, 1857, holding that as African Americans, Dred and Harriet Scott did not have the right to sue for their freedom, consigning African Americans to a permanent inferior status in this country; and

Whereas, the March 22, 1852, Dred Scott decision is a regrettable legacy for this state and antithetical to the nation’s founding values, specifically the tenet that all men are created equal; and

Whereas, the 1852 Missouri Supreme Court Dred Scott decision opened the door for the 1857 United States Supreme Court’s decision declaring that people of African ancestry “had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit”, an expression of racism and a precursor to Jim Crow laws, which perpetrated over a century of injustice; and

Whereas, it is time for these open doors to be unequivocally closed; and

Whereas, all political power is vested in and derived from the people; and

Whereas, all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole; and

Whereas, all constitutional government is intended to promote the general welfare of all people; and

Whereas, all persons have a natural right to life, liberty, and the pursuit of happiness; and

Whereas, no person shall be deprived of life, liberty, or property without the due process of law; and

Whereas, all human beings are created equal and are entitled to equal rights and opportunity under the law; and

Whereas, two hundred years after this state’s founding, during the bicentennial of this state’s founding, it is time to draw a line between Missouri’s history, which encompassed such inhumane and unfair treatment to our citizens, and the present and future Missouri, which aims to be a place of equal treatment for all:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, that, as the 1852 Missouri Supreme Court decision recognized “times are not now as they once were when the former decisions on this subject were made”; and, that the times have once again changed and we declare the March 22, 1852, Missouri Supreme Court Dred Scott decision is fully and entirely renounced, Dred Scott decision issued by the Missouri Supreme Court; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor, the Clerk of the Supreme Court of Missouri, the justices of the Supreme Court of Missouri, and the members of the Missouri congressional delegation.

Senator Rowden assumed the Chair.

President Kehoe assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 401—Insurance and Banking.

SB 402—Judiciary and Civil and Criminal Jurisprudence.

SB 403—Health and Pensions.

SB 404—Local Government and Elections.

SB 405—Ways and Means.

SB 406—Commerce, Consumer Protection, Energy and the Environment.

SB 407—Small Business and Industry.

SB 408—General Laws.

- SB 409**—Rules, Joint Rules, Resolutions and Ethics.
- SB 410**—Ways and Means.
- SB 411**—Local Government and Elections.
- SB 412**—Agriculture, Food Production and Outdoor Resources.
- SB 413**—Commerce, Consumer Protection, Energy and the Environment.
- SB 414**—Local Government and Elections.
- SB 415**—Judiciary and Civil and Criminal Jurisprudence.
- SB 416**—Small Business and Industry.
- SB 417**—Rules, Joint Rules, Resolutions and Ethics.
- SB 418**—Economic Development.
- SB 419**—Judiciary and Civil and Criminal Jurisprudence.
- SB 420**—Transportation, Infrastructure and Public Safety.
- SB 421**—Education.
- SB 422**—Insurance and Banking.
- SB 423**—General Laws.
- SB 424**—Education.
- SB 425**—Judiciary and Civil and Criminal Jurisprudence.
- SB 426**—Governmental Accountability and Fiscal Oversight.
- SB 427**—Agriculture, Food Production and Outdoor Resources.
- SB 428**—Ways and Means.
- SB 429**—Transportation, Infrastructure and Public Safety.
- SB 430**—Judiciary and Civil and Criminal Jurisprudence.
- SB 431**—Governmental Accountability and Fiscal Oversight.
- SB 432**—Judiciary and Civil and Criminal Jurisprudence.
- SB 433**—General Laws.
- SB 434**—Progress and Development.
- SB 435**—Small Business and Industry.
- SB 436**—Ways and Means.
- SB 437**—Economic Development.
- SB 438**—Seniors, Families, Veterans & Military Affairs.
- SB 439**—Governmental Accountability and Fiscal Oversight.
- SB 440**—Judiciary and Civil and Criminal Jurisprudence.
- SB 441**—Seniors, Families, Veterans & Military Affairs.
- SB 442**—Seniors, Families, Veterans & Military Affairs.
- SB 443**—Health and Pensions.
- SB 444**—Insurance and Banking.
- SB 445**—Health and Pensions.

- SB 446**—Judiciary and Civil and Criminal Jurisprudence.
- SB 447**—Health and Pensions.
- SB 448**—Education.
- SB 449**—Agriculture, Food Production and Outdoor Resources.
- SB 450**—Health and Pensions.
- SB 451**—Ways and Means.
- SB 452**—Transportation, Infrastructure and Public Safety.
- SB 453**—General Laws.
- SB 454**—Seniors, Families, Veterans & Military Affairs.
- SB 455**—Judiciary and Civil and Criminal Jurisprudence.
- SB 456**—Insurance and Banking.
- SB 457**—Progress and Development.
- SB 458**—Health and Pensions.
- SB 459**—Seniors, Families, Veterans & Military Affairs.
- SB 460**—Governmental Accountability and Fiscal Oversight.
- SB 461**—Economic Development.
- SB 462**—Local Government and Elections.
- SB 463**—Seniors, Families, Veterans & Military Affairs.
- SB 464**—Governmental Accountability and Fiscal Oversight.
- SB 465**—Economic Development.
- SB 466**—Economic Development.
- SB 467**—Appropriations.
- SB 468**—Economic Development.
- SB 469**—Economic Development.
- SB 470**—Local Government and Elections.
- SB 471**—Transportation, Infrastructure and Public Safety.
- SB 472**—Insurance and Banking.
- SB 473**—Professional Registration.
- SB 474**—Insurance and Banking.
- SB 475**—Insurance and Banking.
- SJR 25**—Governmental Accountability and Fiscal Oversight.
- SJR 26**—Insurance and Banking.
- SJR 27**—Local Government and Elections.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 345**, entitled:

An Act to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to civil actions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF GUESTS

Senator Burlison introduced to the Senate, Will Cox, Springfield.

Senator May introduced to the Senate, Hazel Erby, St. Louis County.

President Kehoe introduced to the Senate, Jeff Schrag, Springfield.

On the motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, March 1, 2021.

SENATE CALENDAR

TWENTY-SEVENTH DAY—MONDAY, MARCH 1, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 476-May	SB 498-Hough
SB 477-Eigel	SB 499-Schupp
SB 478-Hough	SB 500-Schupp
SB 479-Hough	SB 501-Wieland
SB 480-White	SB 502-Moon
SB 481-Hough	SB 503-Moon
SB 482-Beck	SB 504-Rehder
SB 483-Koenig	SB 505-Brattin
SB 484-Gannon	SB 506-Bean
SB 485-Gannon	SB 507-Bean
SB 486-Razer	SB 508-Bean
SB 487-Onder	SB 509-Washington
SB 488-May	SB 510-Brown
SB 489-Roberts	SB 511-Hegeman
SB 490-Bernskoetter	SB 512-Hough
SB 491-Bernskoetter	SB 513-Hough
SB 492-Brattin	SB 514-Onder
SB 493-Gannon	SB 515-Gannon
SB 494-Eslinger	SB 516-Gannon
SB 495-Roberts	SB 517-Gannon
SB 497-Hough and Hegeman	SB 518-Gannon

SB 519-Riddle	SB 546-Crawford
SB 520-Roberts	SB 547-Hoskins
SB 521-Roberts	SB 548-Hoskins
SB 522-Koenig	SB 549-Hoskins
SB 523-White	SB 550-Schupp
SB 524-White	SB 551-May
SB 525-Arthur	SB 552-May
SB 526-Hegeman	SB 553-Gannon
SB 527-Hough	SB 554-Eigel
SB 528-White	SB 555-Hoskins
SB 529-Cierpiot	SB 556-Hoskins
SB 530-Crawford	SB 557-Hoskins
SB 531-Schupp	SB 558-Brattin
SB 532-Rehder	SB 559-Schatz
SB 533-Rehder	SB 560-Schatz
SB 534-Rehder	SB 561-Gannon
SB 535-Gannon	SB 562-Schupp
SB 536-Hough	SB 563-Burlison
SB 537-Burlison	SB 564-Rehder
SB 538-Burlison	SB 565-Moon
SB 539-Burlison	SB 566-Moon
SB 540-Burlison	SB 567-White
SB 541-Brown	SB 568-White
SB 542-Washington	SB 569-Arthur
SB 543-Washington	SB 570-Hough
SB 544-Brattin	SJR 28-Hegeman
SB 545-Williams	

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HCS for HB 362
HCS for HB 350	HCS for HB 59
HB 153-Rone	HCS for HBs 547 & 752
HCS for HB 574	HCS for HB 334
HB 476-Grier	HB 345-DeGroot
HCS for HB 271	

THIRD READING OF SENATE BILLS

SS for SCS for SB 27-Crawford	SS for SB 64-Rehder
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SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|-----------------------------------|
| 1. SB 123-Hough | 22. SB 9-Riddle |
| 2. SB 7-Riddle | 23. SBs 153 & 97-Koenig, with SCS |
| 3. SB 38-Bernskoetter | 24. SB 91-Riddle, with SCS |
| 4. SB 89-Wieland | 25. SB 283-Hoskins |
| 5. SB 152-Hoskins, with SCS | 26. SB 119-Burlison, with SCS |
| 6. SB 11-Schatz | 27. SB 149-Onder |
| 7. SB 43-White, with SCS | 28. SJR 2-Onder, with SCS |
| 8. SB 330-Burlison | 29. SB 137-Brattin |
| 9. SB 24-Eigel | 30. SB 108-Cierpiot, with SCS |
| 10. SB 47-Hough | 31. SB 141-Bean |
| 11. SB 86-Hegeman | 32. SB 163-Cierpiot |
| 12. SB 100-Koenig, with SCS | 33. SB 40-Burlison, with SCS |
| 13. SB 258-White | 34. SB 301-Bernskoetter, with SCS |
| 14. SB 63-Rehder | 35. SB 333-Burlison |
| 15. SB 262-Schatz, with SCS | 36. SB 120-White, with SCS |
| 16. SBs 53 & 60-Luetkemeyer, with SCS | 37. SB 327-Koenig |
| 17. SB 179-Luetkemeyer | 38. SB 289-Brown, with SCS |
| 18. SB 128-Brown | 39. SB 176-Hough |
| 19. SB 6-Wieland | 40. SB 46-Hough |
| 20. SB 106-Crawford, with SCS | 41. SB 3-Hegeman |
| 21. SB 4-Wieland, with SCS | 42. SB 212-White |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--------------------------------------|
| SB 1-Hegeman | SB 22-Koenig |
| SB 10-Schatz, with SS (pending) | SS#2 for SCS for SBs 55, 23 & 25, as |
| SBs 12, 20, 21, 31, 56, 67 & 68 - Onder, with | amended - O'Laughlin, et al |
| SCS, SS for SCS & SA 5 (pending) | |

RESOLUTIONS

Reported from Committee

SCR 3-Roberts and Moon, with SCS

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—MONDAY, MARCH 1, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“God saw everything that he had made and indeed it was good.” (Genesis 1:31a)

As we drove to the Capital this day and we saw the results of the snow and rain and saw the earth preparing for the new birth of spring, indeed it was good and we rejoice in waiting for the time of rebirth. We give thanks for everything that lives and breathes and we know it is sacred to You. You have given life to all and we know we must make the right choices that lead to opportunities for everything and everybody in our state for we know You have created us and we must learn to truly be a part of making good things happen. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 25, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Washington offered Senate Resolution No. 123, regarding the death of Carol Coe, which was adopted.

Senator Washington offered Senate Resolution No. 124, regarding the death of Garnett B. Wilson, which was adopted.

Senator Bean offered Senate Resolution No. 125, regarding Matthew Poole, which was adopted.

Senator Rehder offered Senate Resolution No. 126, regarding Broadway Street, Cape Girardeau, which was adopted.

Senator Riddle offered Senate Resolution No. 127, regarding the Sixtieth Wedding Anniversary of Roger and Jeannette Briggs, Troy, which was adopted.

CONCURRENT RESOLUTIONS

Senator Moon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

Relating to public health authority.

Whereas, Article I, Section 1 of the Missouri Constitution states “That all political power vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”; and

Whereas, Article I, Section 31 of the Missouri Constitution states “That no law shall delegate to any commission, bureau, board or other administrative agency authority to make any rule fixing a fine or imprisonment as punishment for its violation.”; and

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declare that no local health department, including the St. Louis County Department of Public Health, has any authority to fine or imprison or threaten to fine or imprison individuals or businesses that do not comply to any local health department orders, rules, guidelines, or regulations, including revoking or threatening to revoke business licenses or liquor licenses as a fine or punishment for non-compliance with orders, rules, guidelines or regulations; and

Be It Further Resolved that any state or local health department, including the St. Louis County Department of Public Health, shall send their concerns regarding such matters to the legislative body of Missouri, the General Assembly, to consider the proper legislation that may need to be addressed regarding the local health departments’ concerns; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Director of the Department of Health and Senior Services; and

Be It Further Resolved that notice shall be distributed by the Director of the Department to local health departments via an email educating them on their lack of authority in these areas, along with a copy of this resolution; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Moon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

Whereas, in the American system, sovereignty is defined as “final authority”, and the people, not government, are the sovereign; and

Whereas, the people of the great State of Missouri are not united with the people of the other forty-nine states that comprise the United States of America on a principle of unlimited submission to their federal government; and

Whereas, the Constitution of the United States clearly establishes that all power not delegated by the people to government is retained by the people and the States; and

Whereas, the people of the several States comprising the United States of America created the federal government to be their agent for those purposes specifically enumerated in the Constitution; and

Whereas, the Tenth Amendment to the Constitution of the United States explicitly declares: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and

Whereas, the Tenth Amendment thus affirms that the total scope of federal power is only that which is specifically delegated by the people to the federal government in the Constitution of the United States and can go no further than what is necessary and proper to carry into execution those specifically enumerated powers; every non-enumerated power is deliberately left to State governments or the people themselves; and

Whereas, powers, too numerous to list in this resolution, have been exercised, past and present, by federal administrations, under the leadership of both Democrats and Republicans, to transgress the lines drawn by the Constitution of the United States; and

Whereas, when powers that have not been delegated to the federal government are assumed and exercised over the States and their people, as the Declaration of Independence affirms, “it is their right, it is their duty, to throw off such government” usurpation and infringement into those areas, lest the people of this State be placed under the dominion and control of those who wrongly have usurped those rights; and

Whereas, numerous opinions delivered by the Supreme Court of the United States have been wrongly deemed the supreme law of the land when no actual law was passed by the only authority that is constitutionally authorized to make law: the United States Congress; and

Whereas, the President of the United States has issued Executive Orders reaching outside the constitutionally-specified limits of the jurisdiction of the Executive Branch of government and these orders have also been wrongly interpreted and enforced as the supreme law of the land:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby affirm the sovereignty of the people of the State of Missouri in those areas protected by the Tenth Amendment to the Constitution of the United States; and

Be It Further Resolved that this Resolution shall serve as a notice to the federal government to cease and desist activities outside the scope of its constitutionally-delegated powers; and

Be It Further Resolved that there is hereby created the “Joint Committee on the Review of Federal Overreach”, which shall have as its charge to identify specific federal laws and regulations outside the scope of the powers delegated by the people to the federal government in the Constitution of the United States and that thus infringe on the proper powers of the State; and

Be It Further Resolved that the Joint Committee shall be composed of five members of the Senate, with no more than three members of one party, and five members of the House of Representatives, with no more than three members of one party. The Senate members of the Joint Committee shall be appointed by the President Pro Tempore of the Senate and the House members by the Speaker of the House of Representatives. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or co-chairpersons designate; and

Be It Further Resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate, but is not authorized to hire additional staff; and

Be It Further Resolved that the Joint Committee may prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by December 31, 2021, at which time the Joint Committee shall be dissolved; and

Be It Further Resolved that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

Be It Further Resolved that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officer of each of the legislative houses in the several states.

Senator Bernskoetter offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

Relating to Scoliosis Awareness Month in Missouri.

Whereas, increasing public awareness of scoliosis will help children, parents, adults, and health care providers understand, recognize, and treat the complexities of spinal deformities such as scoliosis; and

Whereas, scoliosis, an abnormal curvature of the spine with no known cause, is a condition that affects 2-3% of the population, or an estimated 7 million people in the United States, without regard to gender, race, age, or economic status; and

Whereas, an estimated one million scoliosis patients utilize health care yearly, and approximately one of every six children who are diagnosed with this condition eventually being required to receive active medical treatment; and

Whereas, the primary age of onset scoliosis is between ten and fifteen with females being five times more likely to require treatment; and

Whereas, screening programs allow for early detection and for treatment opportunities which may alleviate the worst effects of the condition:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate June as "Scoliosis Awareness Month" in Missouri to increase public awareness of the spinal condition of scoliosis and to recognize the need for research to reduce the pain and suffering it causes; and

Be It Further Resolved that the Department of Health and Senior Services shall take appropriate action to promote Scoliosis Awareness Month, including adopting appropriate programs and initiatives to raise public awareness of scoliosis and the importance of early screening; and

Be It Further Resolved that the Secretary of the Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 571—By Schatz.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to implementation of federal law in this state, with an effective date.

SB 572—By Schatz.

An Act to repeal section 67.1471, RSMo, and to enact in lieu thereof one new section relating to the department of economic development.

SB 573—By Schatz.

An Act to repeal section 319.015, RSMo, and to enact in lieu thereof two new sections relating to the underground damage prevention review board, with penalty provisions.

SB 574—By Gannon.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to food delivery, with an effective date.

SB 575—By Bean.

An Act to repeal section 208.018, RSMo, and to enact in lieu thereof one new section relating to farmers' markets.

SB 576—By Mosley.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to ethics.

SB 577—By Riddle.

An Act to authorize the conveyance of certain state property.

SB 578—By Riddle.

An Act to repeal section 30.750, RSMo, and to enact in lieu thereof six new sections relating to economic development.

SB 579—By Rehder.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to fee office contracts awarded by the department of revenue.

SB 580—By Rehder.

An Act to repeal section 32.300, RSMo, and to enact in lieu thereof one new section relating to remote systems for the performance of transportation functions by the department of revenue.

SB 581—By Eslinger.

An Act to repeal sections 287.610, 287.615, and 287.812, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

SB 582—By Eslinger.

An Act to amend chapter 178, RSMo, by adding thereto one new section relating to sheltered workshops.

SB 583—By Eslinger.

An Act to repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, and to enact in lieu thereof six new sections relating to school district subdistricts.

SB 584—By Eslinger.

An Act to repeal sections 334.104 and 335.175, RSMo, and to enact in lieu thereof two new sections relating to collaborative practice arrangements between physicians and advanced practice registered nurses.

SB 585—By Eslinger.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to funding allocations for institutions of higher education.

SB 586—By Brattin.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to public school curriculum and instruction.

SB 587—By Brattin.

An Act to repeal sections 115.151, 115.160, and 115.960, RSMo, and to enact in lieu thereof three new sections relating to voter registration.

SB 588—By Brattin.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to implementation of federal law in this state, with an effective date.

SB 589—By Brattin.

An Act to repeal sections 9.010 and 9.020, RSMo, and to enact in lieu thereof two new sections relating to state holidays.

SB 590—By Brattin.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to elementary and secondary school buses.

SB 591—By Roberts.

An Act to repeal section 435.014, RSMo, and to enact in lieu thereof five new sections relating to alternative dispute resolution.

SB 592—By Roberts.

An Act to repeal sections 67.990 and 67.993, RSMo, and to enact in lieu thereof two new sections relating to the senior citizens' services fund.

SB 593—By Roberts.

An Act to repeal sections 559.016 and 559.600, RSMo, and to enact in lieu thereof two new sections relating to probation.

SB 594—By Moon.

An Act to repeal section 415.415, RSMo, and to enact in lieu thereof one new section relating to self-storage.

SB 595—By Moon.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to a cause of action against a public body for economic damages.

SB 596—By Moon.

An Act to repeal section 542.296, RSMo, and to enact in lieu thereof one new section relating to searches and seizures by law enforcement officers.

SB 597—By Moon.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to income taxes.

SB 598—By O'Laughlin.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to retirement benefits from public employee retirement systems.

SB 599—By O'Laughlin.

An Act to authorize the conveyance of property owned by the state in the City of Kirksville, Adair County, Missouri.

SB 600—By O'Laughlin.

An Act to authorize the conveyance of property owned by the state in Pike County to the state highways and transportation commission.

SB 601—By O’Laughlin.

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at institutions of higher education.

SB 602—By O’Laughlin.

An Act to repeal section 105.465, RSMo, and to enact in lieu thereof one new section relating to the requirement to dissolve a candidate committee.

SB 603—By Koenig.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to abortion.

SB 604—By Koenig.

An Act to repeal section 92.111, RSMo, and to enact in lieu thereof one new section relating to earnings tax.

SB 605—By Koenig.

An Act to amend chapter 29, RSMo, by adding thereto one new section relating to reports issued by the state auditor regarding certain loan and credit programs.

SB 606—By Burlison.

An Act to repeal section 226.541, RSMo, and to enact in lieu thereof one new section relating to outdoor advertising.

SB 607—By Williams.

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the ticket to work health assurance program.

SB 608—By Razer.

An Act to repeal sections 169.141 and 169.715, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits for certain public school employees.

SB 609—By Razer.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school bus transportation safety.

SB 610—By May.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Pioneering Black Women’s Day.

SB 611—By May.

An Act to repeal section 392.611, RSMo, and to enact in lieu thereof one new section relating to the regulation of internet protocol-enabled services.

SB 612—By May.

An Act to repeal section 82.390, RSMo, and to enact in lieu thereof one new section relating to the license collector of St. Louis City.

SB 613—By Crawford.

An Act to repeal section 376.1235, RSMo, and to enact in lieu thereof two new sections relating to insurance coverage for health services.

SB 614—By Crawford.

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to electronic monitoring service providers.

SB 615—By Eigel.

An Act to repeal section 143.021, RSMo, and to enact in lieu thereof one new section relating to income taxes.

SB 616—By Eigel.

An Act to amend chapter 566, RSMo, by adding thereto one new section relating to the offense of sexual exploitation by a clergy person, with a penalty provision.

SB 617—By Eigel.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet.

SB 618—By Bernskoetter.

An Act to repeal section 104.160, RSMo, and to enact in lieu thereof one new section relating to the board of trustees of the Missouri department of transportation and highway patrol employees' retirement system.

SB 619—By Bernskoetter.

An Act to repeal section 575.205, RSMo, and to enact in lieu thereof one new section relating to the offense of tampering with electronic monitoring equipment, with penalty provisions.

SB 620—By Bernskoetter.

An Act to amend chapter 550, RSMo, by adding thereto one new section relating to change of venue costs for capital cases.

SB 621—By Bernskoetter.

An Act to repeal section 494.455, RSMo, and to enact in lieu thereof one new section relating to the compensation of jurors.

SB 622—By Bernskoetter.

An Act to repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first

regular session, and to enact in lieu thereof one new section relating to employment security.

SB 623—By Hough.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit to offset certain utility taxes.

SB 624—By Hough.

An Act to amend chapter 334, RSMo, by adding thereto eight new sections relating to health care.

SB 625—By Hough.

An Act to repeal section 144.027, RSMo, and to enact in lieu thereof one new section relating to sales tax credit for the replacement of certain vehicles.

SB 626—By Hough.

An Act to repeal section 144.027, RSMo, and to enact in lieu thereof one new section relating to vehicle sales tax.

SB 627—By Hough.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to income taxes.

SB 628—By Brattin.

An Act to repeal section 55.160, RSMo, and to enact in lieu thereof one new section relating to county auditors.

SB 629—By Hoskins.

An Act to repeal sections 143.121 and 143.124, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for certain military retirement benefits.

SB 630—By Hoskins.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to liability for removing a domestic animal from a motor vehicle.

SJR 29—By Burlison.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 51 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to voter approval of constitutional amendments proposed by initiative petition.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 527**, entitled:

An Act to repeal sections 393.170 and 523.262, RSMo, and to enact in lieu thereof two new sections relating to eminent domain for certain utilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 349**, entitled:

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator O’Laughlin moved that **SB 55**, **SB 23** and **SB 25**, with **SCS**, **SS No. 2** for **SCS**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Having voted on the prevailing side, Senator Rowden moved that the vote by which the adoption of **SS No. 2** for **SCS** for **SBs 55, 23** and **25**, as amended, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	O’Laughlin
Onder	Rehder	Riddle	Rowden	Schatz	White	Wieland—21

NAYS—Senators

Arthur	Beck	Brown	Gannon	Hough	May	Mosley
Razer	Rizzo	Roberts	Schupp	Washington	Williams—13	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

At the request of Senator O’Laughlin, **SB 55**, **SB 23** and **SB 25**, with **SCS**, **SS No. 2** for **SCS**, as amended, was placed on the Informal Calendar.

Senator Koenig requested unanimous consent of the Senate to correct the Committee on Ways and Means report on **SB 153**, by submitting a corrected report, which request was granted.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 153** and **SB 97**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hough moved that **SB 123** be taken up for perfection, which motion prevailed.

Senator Hough offered **SS** for **SB 123**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 123

An Act to repeal section 32.087, RSMo, and to enact in lieu thereof one new section relating to local sales taxes.

Senator Hough moved that **SS** for **SB 123** be adopted.

Senator Hough offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 123, Page 3, Section 32.087, Line 67, by inserting immediately after the word “imposed” the following: “**and retained**”; and further amend line 70, by inserting immediately after the word “imposed” the following: “**and retained**”; and further amend line 73, by inserting immediately after the word “imposed” the following: “**and retained**”.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Crawford offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 123, Page 1, In the Title, Line 3, by striking “local sales taxes”; and inserting in lieu thereof the following: “sales taxes, with an emergency clause for a certain section and an effective date for certain sections”; and

Further amend said bill, page 13, Section 32.087, line 415, by inserting after all of said line the following:

“32.310. 1. The department of revenue shall create and maintain a mapping feature on its official public website that displays sales **and use** tax information of political subdivisions of this state that have taxing authority, including the current tax rate for each sales **and use** tax imposed and collected. Such display shall have the option to showcase the borders and jurisdiction of the following political subdivisions on a map of the state to the extent that such political subdivisions collect sales **and use** tax:

- (1) Ambulance districts;
- (2) Community improvement districts;
- (3) Fire protection districts;
- (4) Levee districts;
- (5) Library districts;
- (6) Neighborhood improvement districts;
- (7) Port authority districts;
- (8) Tax increment financing districts;
- (9) Transportation development districts;
- (10) School districts; or

(11) Any other political subdivision that imposes a sales **or use** tax within its borders and jurisdiction.

2. The mapping feature shall also have the option to superimpose state house of representative districts and state senate districts over the political subdivisions.

3. A political subdivision collecting sales **or use** tax listed in subsection 1 of this section shall provide to the department of revenue mapping and geographic data pertaining to the political subdivision's borders and jurisdictions. The political subdivision shall certify the accuracy of the data by affidavit and shall provide the data in a format specified by the department of revenue. Such data **relating to sales taxes** shall be sent to the department of revenue by April 1, 2019, and shall be updated and sent to the department if a change in the political subdivision's borders or jurisdiction occurs thereafter. **Such data relating to use taxes shall be sent to the department of revenue by January 1, 2022. If a political subdivision fails to provide the information required under this subsection, the department of revenue shall use the last known sales or use tax rate for such political subdivision.**

4. The department of revenue may contract with another entity to build and maintain the mapping feature.

5. By July 1, 2019, the department shall implement the mapping feature using the **sales tax** data provided to it under subsection 3 of this section. **By August 28, 2022, the department shall implement the mapping feature using use tax data provided to it under subsection 3 of this section.**

6. If the boundaries of a political subdivision listed in subsection 1 of this section in which a sales or use tax has been imposed shall thereafter be changed or altered, the political subdivision shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the political subdivision within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map in a form to be determined by the director of revenue. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law shall be effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.

33.575. 1. There is hereby created in the state treasury the "Cash Operating Expense Fund", which shall consist of money as provided under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. (1) The state general revenue portion from remittances made pursuant to section 144.752 and paragraph (e) of subdivision (3) of section 144.605, with the exception of revenues collected pursuant to section 144.701 and Article IV, Sections 43(a) and 47(a) of the Missouri Constitution, shall be deposited into the cash operating expense fund.

(2) Subject to appropriation, the following moneys may be transferred into the cash operating expense fund:

(a) Any funds appropriated to the office of the governor for expenses related to emergency duties performed by the national guard when ordered out by the governor, for matching funds for federal grants and for emergency assistance as provided in section 44.032, and for expenses of any state

agency responding during a declared emergency at the direction of the governor, provided the services furnish immediate aid and relief, that were unexpended at the end of the fiscal year; and

(b) Any funds appropriated to the cash operating expense fund by the general assembly or otherwise credited to the fund.

3. In any fiscal year in which actual revenues are less than the revenue estimates upon which appropriations were based or in which there is a budget need due to a natural disaster, as proclaimed by the governor to be an emergency, the governor may, subject to appropriation, transfer from the fund to the general revenue fund such moneys as are necessary to make up all or part of the deficit between the actual revenues and the revenue estimates or to meet the needs of the emergency caused by the natural disaster, as the case may be.

4. When the balance in the fund at the close of any fiscal year exceeds two and one-half percent of net general revenue collections for the previous fiscal year, the excess balance shall be transferred, subject to appropriation, as follows:

(1) Fifty percent of the excess balance shall be transferred to the credit of the state road fund established pursuant to Article IV, Section 30(b) of the Missouri Constitution, for the purposes of funding the governor's transportation cost-share program; and

(2) Fifty percent of the excess balance shall be transferred to the credit of the debt retirement fund for the purpose of retiring state debt.

5. There is hereby created in the state treasury the "Debt Retirement Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Subject to appropriation, moneys in the fund shall be used for the retirement of debt related to bonds issued by or on behalf of the state and for which the office of administration is required to file annual continuing disclosure reports on the electronic municipal market access website, or its successor.

6. For the purposes of this section, "net general revenue collections" means all revenue deposited into the general revenue fund less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund.

144.140. 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. The director shall provide a monetary allowance from the taxes collected to a certified service provider under the terms of the contract signed with the certified service provider, provided that such allowance shall be funded entirely from money collected by the certified service provider.

3. Any certified service provider receiving an allowance under subsection 2 of this section shall not be entitled to simultaneously deduct the allowance provided for under subsection 1 of this section.

4. For the purposes of the section, "certified service provider" shall mean an agent certified by the

department of revenue to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Certified service provider" or "CSP", an agent certified by the department of revenue to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases;

[(2)] **(3) "Engages in business activities within this state" includes:**

(a) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525;

(b) Soliciting sales or taking orders by sales agents or traveling representatives;

(c) A vendor is presumed to engage in business activities within this state if any person, other than a common carrier acting in its capacity as such, that has substantial nexus with this state:

a. Sells a similar line of products as the vendor and does so under the same or a similar business name;

b. Maintains an office, distribution facility, warehouse, or storage place, or similar place of business in the state to facilitate the delivery of property or services sold by the vendor to the vendor's customers;

c. Delivers, installs, assembles, or performs maintenance services for the vendor's customers within the state;

d. Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the state; or

e. Conducts any other activities in the state that are significantly associated with the vendor's ability to establish and maintain a market in the state for the sales;

(d) The presumption in paragraph (c) **of this subdivision** may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or maintain a market in this state for the vendor's sales;

(e) [Notwithstanding paragraph (c), a vendor shall be presumed to engage in business activities within this state if the vendor enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor to customers in the state who are referred to the vendor by all residents with this type of an agreement with the vendor is in excess of ten thousand dollars during the preceding twelve months;

(f) The presumption in paragraph (e) may be rebutted by submitting proof that the residents with whom the vendor has an agreement did not engage in any activity within the state that was significantly associated with the vendor's ability to establish or maintain the vendor's market in the state during the preceding twelve months. Such proof may consist of sworn written statements from all of the residents with whom the vendor has an agreement stating that they did not engage in any solicitation in the state on behalf of the

vendor during the preceding year provided that such statements were provided and obtained in good faith] **Selling tangible personal property for delivery into this state provided the seller's gross receipts from delivery of tangible personal property into this state in the previous calendar year or current calendar year exceeds one hundred thousand dollars. For the purposes of calculating a seller's gross receipts under this paragraph, following the close of each calendar quarter, a vendor shall determine whether the vendor met the requirements under this paragraph during the twelve-month period ending on the last day of the preceding calendar quarter. If the vendor met such requirements for any such twelve-month period, such vendor shall collect and remit the tax as provided under section 144.635 for a period of not less than twelve months, beginning not more than three months following the close of the preceding calendar quarter, and shall continue to collect and remit the tax for as long as the vendor is engaged in business activities within this state, as provided for under this paragraph, or otherwise maintains a substantial nexus with this state;**

[(3)] (4) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business in this state, whether owned or operated by the vendor or by any other person other than a common carrier acting in its capacity as such;

[(4)] (5) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

[(5)] (6) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

[(6)] (7) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

[(7)] (8) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

[(8)] (9) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. The sales

price shall not include usual and customary delivery charges that are separately stated. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

[(9)] (10) “Selling agent”, every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

[(10)] (11) “Storage”, any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

[(11)] (12) “Tangible personal property”, all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of **subsection 1** of section 144.020;

[(12)] (13) “Taxpayer”, any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

[(13)] (14) “Use”, the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

[(14)] (15) “Vendor”, every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745.

144.608. 1. For the purpose of more efficiently securing the payment of and accounting for the tax collected and remitted by retailers and vendors, the department is hereby authorized:

(1) To consult, contract, and work jointly with the streamlined sales and use tax agreement’s governing board to allow sellers to use the governing board’s certified service providers and central registration system services; or

(2) To consult, contract, and work with certified service providers independently. The department is authorized to determine the method and amount of compensation to be provided to certified service providers by this state for the services of such certified service providers to certain sellers, provided that no certified service provider or seller utilizing a certified service provider shall be entitled to the deduction provided in subsection 1 of section 144.140.

2. The director of revenue shall make, promulgate, and enforce reasonable rules and regulations

for the administration and enforcement of the provisions of this chapter relating to the collection and remittance of sales and use tax by certified service providers. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be invalid and void.

144.637. 1. The director of revenue shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for the use of vendors collecting the tax imposed under sections 144.600 to 144.745.

2. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain address-based boundary database records for assigning taxing jurisdictions and associated rates. The database records shall meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If a vendor is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the vendor may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a vendor is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the vendor may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a vendor has exercised due diligence if the vendor has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. The databases shall be in the same approved format as the database records under this section and meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the director certifies an address-based database provided by a third party, a vendor may use such database in place of the database provided for in this subsection.

4. The electronic database provided for in subsections 1, 2, and 3 of this section shall be in downloadable format as determined by the director. The database may be directly provided by the director or provided by a third party as designated by the director. The databases shall be provided at no cost to the user of the database. The provisions of subsection 3 of this section shall not apply if the purchased product is received by the purchaser at the business location of the vendor.

5. No vendor shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.638. 1. The director shall provide and maintain a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or

services listed in the taxability matrix.

3. A seller or CSP shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided or approved by the director in the taxability matrix, and a seller shall be relieved from liability for erroneous returns made by a CSP on behalf of the seller.

144.710. [From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal to two percent thereof.] The provisions of section 144.140 relating to the allowance for timely remittance of payment shall be applicable to the tax levied under sections 144.600 to 144.745.

144.752. 1. For the purposes of this section, the following terms shall mean:

(1) "Marketplace facilitator", a person that:

(a) Facilitates a retail sale by a marketplace seller by listing or advertising for sale by the marketplace seller in any forum, tangible personal property or services that are subject to tax under this chapter; and

(b) Either directly or indirectly through agreements or arrangements with third parties collecting payment from the purchaser and transmitting such payment to the marketplace seller regardless of whether the marketplace facilitator receives compensation or other consideration in exchange for its services.

A marketplace facilitator is a seller and shall comply with the provisions of this chapter. A marketplace facilitator does not include a person who provides internet advertising services, or product listing, and does not collect payment from the purchaser and transmit payment to the marketplace seller, and does not include a person with respect to the provision of travel agency services or the operation of a marketplace or that portion of a marketplace that enables consumers to receive travel agency services. For the purposes of this subdivision, "travel agency services" means facilitating, for a commission, fee, or other consideration, vacation or travel packages, rental car or other travel reservations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations;

(2) "Marketplace seller", a seller that makes sales through any electronic marketplace operated by a marketplace facilitator;

(3) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the department of transportation, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit;

(4) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage, or consumption in this state;

(5) "Retail sale", the same meaning as defined under sections 144.010 and 144.011, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required

to be titled under the laws of the state and subject to tax under subdivision (9) of subsection 1 of section 144.020;

(6) “Seller”, a person selling or furnishing tangible personal property or rendering services on the receipts from which a tax is imposed under section 144.020.

2. (1) Beginning January 1, 2023, marketplace facilitators that engage in business activities within this state shall register with the department to collect and remit use tax, as applicable, on sales made through the marketplace facilitator’s marketplace by or on behalf of a marketplace seller that are delivered into the state, whether by the marketplace facilitator or another person, and regardless of whether the marketplace seller for whom sales are facilitated possesses a retail sales license or would have been required to collect use tax had the sale not been facilitated by the marketplace facilitator. Such retail sales shall include those made directly by the marketplace facilitator and shall also include those retail sales made by marketplace sellers through the marketplace facilitator’s marketplace. The collection and reporting requirements of this subsection shall not apply to retail sales other than those made through a marketplace facilitator’s marketplace. Nothing in this section shall be construed to limit or prohibit the ability of a marketplace facilitator and a marketplace seller to enter into agreements regarding the fulfillment of the requirements of this chapter.

(2) All taxable sales made through a marketplace facilitator’s marketplace by or on behalf of a marketplace seller shall be deemed to be consummated at the location in this state to which the item is shipped or delivered, or at which possession is taken by the purchaser.

3. Marketplace facilitators that are required to collect use tax under this section shall report and remit the tax separately from any sales and use tax collected by the marketplace facilitator, or by affiliates of the marketplace facilitator, which the marketplace facilitator would have been required to collect and remit under the provisions of this chapter prior to January 1, 2023. Such tax shall be reported and remitted as determined by the department. Marketplace facilitators shall maintain records of all sales delivered to a location in the state, including electronic or paper copies of invoices showing the purchaser, address, purchase amount, and use tax collected. Such records shall be made available for review and inspection upon request by the department.

4. Marketplace facilitators who properly collect and remit to the department in a timely manner use tax on sales in accordance with the provisions of this section by or on behalf of marketplace sellers shall be eligible for any discount provided under this chapter.

5. A marketplace facilitator shall provide the purchaser with a statement or invoice showing that the use tax was collected and shall be remitted on the purchaser’s behalf.

6. Any taxpayer who remits use tax under this section shall be entitled to refunds or credits to the same extent and in the same manner provided for in section 144.190 for taxes collected and remitted under this section. Nothing in this section shall relieve a purchaser of the obligation to remit use tax for any retail sale taxable under this chapter for which a marketplace facilitator or marketplace seller does not collect and remit the use tax.

7. Except as provided under subsections 8 and 9 of this section, marketplace facilitators shall be subject to the penalty provisions, procedures, and reporting requirements provided under the provisions of this chapter.

8. No class action shall be brought against a marketplace facilitator in any court in this state on behalf of purchasers arising from or in any way related to an overpayment of use tax collected on

retail sales facilitated by a marketplace facilitator, regardless of whether that claim is characterized as a tax refund claim. Nothing in this subsection shall affect a purchaser's right to seek a refund as provided under section 144.190.

9. A marketplace facilitator shall be relieved from liability under this section for the failure to collect and remit the correct amount of sales or use tax on retail sales facilitated for marketplace sellers to the extent that the marketplace facilitator demonstrates to the satisfaction of the department that the error was due to insufficient or incorrect information given to the marketplace facilitator by the marketplace seller; provided, however, that a marketplace facilitator shall not be relieved of liability under this paragraph if the marketplace facilitator and the marketplace seller are affiliated;

10. For the purposes of this section, a marketplace facilitator shall not include a third party financial institution appointed by a merchant or a marketplace facilitator to handle various forms of payment transactions, such as processing credit cards and debit cards, and whose sole activity with respect to marketplace sales is to facilitate the payment transactions between two parties.

11. The state general revenue portion from remittances made pursuant to this section, with the exception of revenues collected pursuant to section 144.701 and Article IV, Sections 43(a) and 47(a) of the Missouri Constitution, shall be deposited to the credit of the cash operating expense fund established pursuant to section 33.575.

12. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be invalid and void.

144.757. 1. Any county or municipality[, except municipalities within a county having a charter form of government with a population in excess of nine hundred thousand,] may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085 **or if a sales tax is imposed pursuant to section 94.850 or 94.890, with such local use tax imposed at a rate equal to the rate of the local sales tax [in effect in] and any sales tax imposed pursuant to section 94.850 or 94.890 by** such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election a proposal to authorize the governing body of the county or municipality to impose a local use tax pursuant to sections 144.757 to 144.761. [Municipalities within a county having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890 for distribution of all municipal use taxes.

2.] (1) The ballot of submission[, except for counties and municipalities described in subdivisions (2)

and (3) of this subsection,] shall contain substantially the following language:

Shall the _____ (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, [currently _____ (insert percent),] provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? [A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year]
Approval of this question will eliminate the disparity in tax rates collected by local and out-of-state sellers by imposing the same rate on all sellers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) [(a) The ballot of submission in a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? Fifty percent of the revenue shall be used by the county throughout the county for improving and enhancing public safety, park improvements, and job creation, and fifty percent shall be used for enhancing local government services. The county shall be required to make available to the public an audited comprehensive financial report detailing the management and use of the countywide portion of the funds each year.

A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(b) The ballot of submission in a municipality within a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3)] The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the _____ (city name) impose a local use tax at the same rate as the local sales tax, [currently at a rate of _____ (insert percent)] which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? [A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year]
Approval of this question will eliminate the disparity in tax rates collected by local and out-of-state sellers by imposing the same rate on all sellers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

[(4)] 2. If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to 144.761, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in

section 32.087 shall be deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by the director of revenue.

2. Subject to the provisions of subsection 1 of this section, the director of revenue shall distribute all moneys which would be due any county having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute [such moneys as follows: the] **that** portion of the use [tax] **taxes** imposed by the county [which equals one-half the rate of sales tax in effect for such county shall be disbursed to the county treasurer for expenditure throughout the county for public safety, parks, and job creation, subject to any qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an audited comprehensive financial report detailing the management and use of such funds each year. Such ordinance shall also require that the county and the municipal league of the county jointly prepare a strategy to guide expenditures of funds and conduct an annual review of the strategy. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620 as modified by this section, a portion of the two-thirds remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620 but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630 were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year] **that is equal to the rate of sales taxes imposed by the county pursuant to sections 66.600 and 67.547 to the cities, towns, and villages within such county and to the unincorporated area of the county on the ratio of the population that each such city, town, village, and the unincorporated areas of the county bears to the total population of the county.**

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts

deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085 and 32.087 applicable to the local sales tax, except for subsection 12 of section 32.087, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

Section B. Because of the importance of ensuring the fiscal health of the state in an emergency, the enactment of section 33.575 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 33.575 of this act shall be in full force and effect upon its passage and approval.

Section C. The repeal and reenactment of sections 144.140, 144.605, 144.710, and 144.759 and the enactment of sections 144.608 and 144.752 of this act shall become effective January 1, 2023.”; and

Further amend the title and enacting clause accordingly.

Senator Crawford moved that the above amendment be adopted.

Senator Brattin offered **SA 1 to SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 123, Page 4, Section 33.575, Lines 117-120, by striking all of said lines and inserting in lieu thereof the following: “**balance shall be transferred, subject to appropriation, to the credit of the state road fund established**”; and further amend said page, line 123 by striking “; and”; and further amend said amendment, page 5, lines 124-143, by striking all of said lines and inserting in lieu thereof the following: “.”; and further renumber the remaining subdivision accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Hough, **SB 123**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 7** was placed on the Informal Calendar.

Senator Bernskoetter moved that **SB 38** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 38, Page 1, In the Title, Line 4, by striking the words “electric bicycles” and inserting in lieu thereof “alternative fuel vehicles”; and

Further amend said bill and page, section A, line 7 by inserting after all of said line the following:

“135.1000. 1. As used in this section, the following terms shall mean:

- (1) “Department”, the department of economic development;**
- (2) “Motor vehicle”, the same meaning as defined pursuant to section 301.010;**
- (3) “Qualified clean-burning motor vehicle fuel property”:**

(a) Equipment installed to modify a motor vehicle which is propelled by gasoline or diesel fuel so that the vehicle may be propelled by a hydrogen fuel cell, compressed natural gas, liquefied natural gas, or liquefied petroleum gas. Such equipment shall:

a. Be new, not previously used to modify or retrofit any motor vehicle propelled by gasoline or diesel fuel;

b. Meet all federal motor vehicle safety standards provided pursuant to 49 C.F.R. 571; and

c. For any commercial motor vehicle, meet all federal motor carrier safety regulations provided pursuant to 49 C.F.R. 390;

(b) A motor vehicle originally equipped so that the vehicle may be propelled by a hydrogen fuel cell, compressed natural gas, liquefied natural gas, or liquefied petroleum gas, but only to the extent of the portion of the basis of such motor vehicle which is attributable to the storage of such fuel, the delivery to the engine of such motor vehicle of such fuel, and the exhaust of gases from combustion of such fuel; or

(c) Property, not including a building and its structural components, which is:

a. Directly related to the delivery of compressed natural gas, liquefied natural gas or liquefied petroleum gas, or hydrogen, for commercial purposes or for a fee or charge, into the fuel tank of a motor vehicle propelled by such fuel including compression equipment and storage tanks for such fuel at the point where such fuel is so delivered, provided such property is not used to deliver such fuel into any other type of storage tank or receptacle and such fuel is not used for any purpose other than to propel a motor vehicle; or

b. A metered-for-fee, public access recharging system for motor vehicles propelled in whole or in part by electricity. Such property shall be new and shall not have been previously installed or used to refuel vehicles powered by compressed natural gas, liquefied natural gas or liquefied petroleum gas, hydrogen, or electricity;

(4) “State tax liability”, any liability incurred by a taxpayer pursuant to the provisions of chapter 143, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143.

2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed a tax credit against the taxpayer’s state tax liability for costs incurred in purchasing or installing qualified clean-burning motor vehicle fuel property placed in service after December 31, 2021, provided that the state shall not allow credit under this subsection in excess of a total of three million dollars in one tax year.

3. In order to receive a tax credit pursuant to this section, a taxpayer shall apply to the department on forms to be provided by the department. The tax credit shall be calculated as follows:

(1) For qualified clean-burning motor vehicle fuel property defined in paragraph (a) or (b) of subdivision (3) of subsection 2 of this section, forty-five percent of the cost of the qualified clean-burning motor vehicle fuel property; and

(2) For qualified clean-burning motor vehicle fuel property defined in paragraph (c) of subdivision (3) of subsection 2 of this section, a per-location credit of seventy-five percent of the cost of the qualified clean-burning motor vehicle fuel property;

4. In cases where a motor vehicle is purchased by a taxpayer with qualified clean-burning motor vehicle fuel property installed by the manufacturer of such motor vehicle and no credit has been claimed pursuant to subdivision (1) of subsection 3 of this section by any prior owner of such vehicle, and in which the taxpayer is unable or elects not to determine the exact basis which is attributable to such property, the taxpayer may claim a credit in an amount not exceeding the lesser of ten percent of the cost of the motor vehicle or one thousand five hundred dollars.

5. If the tax credit authorized pursuant to this section exceeds the taxpayer's state tax liability, the difference shall not be refunded to the taxpayer, but may be carried forward to any subsequent taxable year, not to exceed a total of five years.

6. No tax credits shall be authorized pursuant to this section unless an appropriation is made for such tax credits.

7. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

8. Pursuant to section 23.253 of the Missouri Sunset Act:

(1) The new program authorized under this section shall automatically sunset on August 28, 2024, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted.

Senator Eigel raised the point of order that the above amendment is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Hegeman, **SA 1** was withdrawn, rendering the point of order moot.

On motion of Senator Bernskoetter, **SB 38** was declared perfected and ordered printed.

Senator Wieland moved that **SB 89** be taken up for perfection, which motion prevailed.

Senator Wieland offered **SS** for **SB 89**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 89

An Act to repeal section 304.153, 385.220, and 385.320, RSMo, and to enact in lieu thereof four new sections relating to motor clubs, with existing penalty provisions.

Senator Wieland moved that **SS** for **SB 89** be adopted, which motion prevailed.

On motion of Senator Wieland, **SS** for **SB 89** was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Schatz offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

Whereas, the United States is an importer of oil and various petroleum products, making it dependent on foreign sources and subject to interruptions and price fluctuations stemming from geopolitical conflicts; and

Whereas, such instability has damaging consequences both for our economy and our national security; and

Whereas, the United States Geological Survey estimates a resource of up to 27 billion barrels of oil in the Chukchi and Beaufort seas of Alaska, providing a vast domestic oil reserve, but opposition and regulatory hurdles are keeping energy producers from accessing these resources; and

Whereas, the TC Energy Keystone XL pipeline project seeks to link expanded oil production from the Canadian oil sands to refineries in the United States and to facilitate the flow of oil from the Dakotas to the Gulf Coast, thereby decreasing our dependence on oil from outside of North America; and

Whereas, Canada is a close friend and ally, with whom we share links of infrastructure and energy networks and other ties, so that dollars spent on Canadian oil will likely contribute to the success of the American economy; and

Whereas, the Keystone XL pipeline project is projected to create construction and manufacturing jobs in the United States, adding billions of dollars to the United States economy:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call upon President Joseph R. Biden Jr. and administration officials to:

(1) Support the increased importation of oil from Canadian oil sands and to approve the TC Energy Keystone XL pipeline to reduce our oil dependency on unstable governments, strengthen ties with an important ally, and create jobs for American workers;

(2) Support and facilitate permitting for oil production off the northern coast of Alaska to decrease our dependence on foreign oil and spur investment in the American economy; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for President Joseph R. Biden Jr. and each member of the Missouri Congressional delegation.

The Senate observed a moment of silence in memory of Rush Limbaugh.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 38**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 548**, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to forfeiture by wrongdoing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 139**, entitled:

An Act to repeal 419.020 and 419.040, RSMo, and to enact in lieu thereof two new sections relating to lodging establishments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 670**, entitled:

An Act to repeal sections 109.400 and 109.410, RSMo, relating to Missouri state archives-St. Louis trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 657**, entitled:

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF GUESTS

Senator Riddle introduced to the Senate, Steve Hobbs, Mexico; Alan Winders, Mexico; and Darron Barry, Perry.

Senator Bean introduced to the Senate, Jana Merideth, Caruthersville; Sue Grantham, Caruthersville; Denny Callen, Caruthersville; John Ferguson, Caruthersville; and Lyle Randolph, Cape Girardeau.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY—TUESDAY, MARCH 2, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 476-May	SB 505-Brattin
SB 477-Eigel	SB 506-Bean
SB 478-Hough	SB 507-Bean
SB 479-Hough	SB 508-Bean
SB 480-White	SB 509-Washington
SB 481-Hough	SB 510-Brown
SB 482-Beck	SB 511-Hegeman
SB 483-Koenig	SB 512-Hough
SB 484-Gannon	SB 513-Hough
SB 485-Gannon	SB 514-Onder
SB 486-Razer	SB 515-Gannon
SB 487-Onder	SB 516-Gannon
SB 488-May	SB 517-Gannon
SB 489-Roberts	SB 518-Gannon
SB 490-Bernskoetter	SB 519-Riddle
SB 491-Bernskoetter	SB 520-Roberts
SB 492-Brattin	SB 521-Roberts
SB 493-Gannon	SB 522-Koenig
SB 494-Eslinger	SB 523-White
SB 495-Roberts	SB 524-White
SB 497-Hough and Hegeman	SB 525-Arthur
SB 498-Hough	SB 526-Hegeman
SB 499-Schupp	SB 527-Hough
SB 500-Schupp	SB 528-White
SB 501-Wieland	SB 529-Cierpiot
SB 502-Moon	SB 530-Crawford
SB 503-Moon	SB 531-Schupp
SB 504-Rehder	SB 532-Rehder

SB 533-Rehder	SB 571-Schatz
SB 534-Rehder	SB 572-Schatz
SB 535-Gannon	SB 573-Schatz
SB 536-Hough	SB 574-Gannon
SB 537-Burlison	SB 575-Bean
SB 538-Burlison	SB 576-Mosley
SB 539-Burlison	SB 577-Riddle
SB 540-Burlison	SB 578-Riddle
SB 541-Brown	SB 579-Rehder
SB 542-Washington	SB 580-Rehder
SB 543-Washington	SB 581-Eslinger
SB 544-Brattin	SB 582-Eslinger
SB 545-Williams	SB 583-Eslinger
SB 546-Crawford	SB 584-Eslinger
SB 547-Hoskins	SB 585-Eslinger
SB 548-Hoskins	SB 586-Brattin
SB 549-Hoskins	SB 587-Brattin
SB 550-Schupp	SB 588-Brattin
SB 551-May	SB 589-Brattin
SB 552-May	SB 590-Brattin
SB 553-Gannon	SB 591-Roberts
SB 554-Eigel	SB 592-Roberts
SB 555-Hoskins	SB 593-Roberts
SB 556-Hoskins	SB 594-Moon
SB 557-Hoskins	SB 595-Moon
SB 558-Brattin	SB 596-Moon
SB 559-Schatz	SB 597-Moon
SB 560-Schatz	SB 598-O'Laughlin
SB 561-Gannon	SB 599-O'Laughlin
SB 562-Schupp	SB 600-O'Laughlin
SB 563-Burlison	SB 601-O'Laughlin
SB 564-Rehder	SB 602-O'Laughlin
SB 565-Moon	SB 603-Koenig
SB 566-Moon	SB 604-Koenig
SB 567-White	SB 605-Koenig
SB 568-White	SB 606-Burlison
SB 569-Arthur	SB 607-Williams
SB 570-Hough	SB 608-Razer

SB 609-Razer	SB 621-Bernskoetter
SB 610-May	SB 622-Bernskoetter
SB 611-May	SB 623-Hough
SB 612-May	SB 624-Hough
SB 613-Crawford	SB 625-Hough
SB 614-Crawford	SB 626-Hough
SB 615-Eigel	SB 627-Hough
SB 616-Eigel	SB 628-Brattin
SB 617-Eigel	SB 629-Hoskins
SB 618-Bernskoetter	SB 630-Hoskins
SB 619-Bernskoetter	SJR 28-Hegeman
SB 620-Bernskoetter	SJR 29-Burlison

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HCS for HB 334
HCS for HB 350	HB 345-DeGroot
HB 153-Rone	HCS for HB 527
HCS for HB 574	HCS for HB 349
HB 476-Grier	HCS for HB 548
HCS for HB 271	HB 139-Hudson
HCS for HB 362	HB 670-Houx
HCS for HB 59	HB 657-Trent
HCS for HBs 547 & 752	

THIRD READING OF SENATE BILLS

SS for SCS for SB 27-Crawford	SB 38-Bernskoetter
SS for SB 64-Rehder	

SENATE BILLS FOR PERFECTION

1. SB 152-Hoskins, with SCS	5. SB 24-Eigel
2. SB 11-Schatz	6. SB 47-Hough
3. SB 43-White, with SCS	7. SB 86-Hegeman
4. SB 330-Burlison	8. SB 100-Koenig, with SCS

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|---------------------------------------|-----------------------------------|
| 9. SB 258-White | 24. SJR 2-Onder, with SCS |
| 10. SB 63-Rehder | 25. SB 137-Brattin |
| 11. SB 262-Schatz, with SCS | 26. SB 108-Cierpiot, with SCS |
| 12. SBs 53 & 60-Luetkemeyer, with SCS | 27. SB 141-Bean |
| 13. SB 179-Luetkemeyer | 28. SB 163-Cierpiot |
| 14. SB 128-Brown | 29. SB 40-Burlison, with SCS |
| 15. SB 6-Wieland | 30. SB 301-Bernskoetter, with SCS |
| 16. SB 106-Crawford, with SCS | 31. SB 333-Burlison |
| 17. SB 4-Wieland, with SCS | 32. SB 120-White, with SCS |
| 18. SB 9-Riddle | 33. SB 327-Koenig |
| 19. SBs 153 & 97-Koenig, with SCS | 34. SB 289-Brown, with SCS |
| 20. SB 91-Riddle, with SCS | 35. SB 176-Hough |
| 21. SB 283-Hoskins | 36. SB 46-Hough |
| 22. SB 119-Burlison, with SCS | 37. SB 3-Hegeman |
| 23. SB 149-Onder | 38. SB 212-White |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 1-Hegeman | SB 22-Koenig |
| SB 7-Riddle | SBs 55, 23 & 25-O'Laughlin, et al, with |
| SB 10-Schatz, with SS (pending) | SCS & SS for SCS (pending) |
| SBs 12, 20, 21, 31, 56, 67 & 68-Onder, with SCS,
SS for SCS & SA 5 (pending) | SB 123-Hough, with SS & SA 2 (pending) |

RESOLUTIONS

Reported from Committee

SCR 3-Roberts and Moon, with SCS

To be Referred

SCR 13-Moon
SCR 14-Wieland

SCR 15-Bernskoetter
SCR 16-Schatz

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—TUESDAY, MARCH 2, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Hear my prayers, O Lord; give ear to my supplications in Your faithfulness answer me in Your righteousness.” (Psalm 143:1)

Lord God, give us Your compassion today and help us see those around us, our colleagues and staff and those who intersect our path, help us see them through Your eyes. May we see Your compassion and love for each You have made and find ways within us to love as You love, completely and unconditionally and seek to be an ever-present help to those in need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rehder offered Senate Resolution No. 128, regarding Alfea Crenshaw, Piedmont, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 129, regarding Colonel John A. Cluck, Saint

Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 130, regarding the Sixtieth Wedding Anniversary of Linda and Floyd Ruch, St. Joseph, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 131, regarding Marlin Charles and Frances Jane Legault, Platte City, which was adopted.

Senator Williams offered Senate Resolution No. 132, regarding the death of Pastor Rosemary Johnson, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 89**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Riddle moved that **SB 7** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Riddle offered **SS** for **SB 7**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 7

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

Senator Riddle moved that **SS** for **SB 7** be adopted.

Senator Schupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 7, Page 1, Section 516.099, Line 9, by inserting after the word commerce, "unless the product does not have a clearly visible expiration date permanently affixed to said product".

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Riddle, **SB 7**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Eslinger assumed the Chair.

Senator Koenig moved that **SB 22** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Koenig offered **SS** for **SB 22**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 22

An Act to repeal sections 99.805, 99.810, 99.843, 99.847, and 99.848, RSMo, and to enact in lieu thereof five new sections relating to tax increment financing.

Senator Koenig moved that **SS** for **SB 22** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 22, Page 10, Section 99.810, Line 86, by inserting after all of said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefitted by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality’s request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this

section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or

designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.

3. Beginning August 28, 2008:

(1) In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, [or] in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants, **or in a county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants** shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree.

No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall

also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

(2) Any commission created under subsection 2 of this section shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) Any commission created under subsection 3 of this section shall, within fifteen days of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. A recommendation of approval shall only be deemed to occur if a majority of the commissioners voting on such plan, project, designation, or amendment thereto vote for approval. A tied vote shall be considered a recommendation in opposition. If the commission fails to vote within thirty days following the completion of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan, redevelopment project, or designation of redevelopment area, or amendments thereto, such plan, project, designation, or amendment thereto shall be deemed rejected by the commission.

5. It shall be the policy of the state that each redevelopment plan or project of a municipality be carried out with full transparency to the public. The records of the tax increment financing commission including, but not limited to, commission votes and actions, meeting minutes, summaries of witness testimony, data, and reports submitted to the commission shall be retained by the governing body of the municipality that created the commission and shall be made available to the public in accordance with chapter 610.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator O’Laughlin offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 22, Page 12, Section 99.847, Line 28, by inserting after all of said line the following:

“(6) A home rule city with more than seventeen thousand but fewer than nineteen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than twenty-six thousand but fewer than twenty-nine thousand inhabitants;”; and further amend said section by renumbering the remaining subsections accordingly.

Senator O’Laughlin moved that the above amendment be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Bernskoetter offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 22, Page 12, Section 99.847, Line 28, by inserting after all of said line the following:

“(6) A county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants as the county seat;”; and further renumber the remaining subdivisions accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SB 22**, as amended, be adopted, which motion prevailed.

On motion of Senator Koenig, **SS** for **SB 22**, as amended, was declared perfected and ordered printed.

Senator Hoskins moved that **SB 152**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 152

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, and 166.456, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri education program.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 152** be adopted.

Senator Hoskins offered **SS** for **SCS** for **SB 152**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 152

An Act to repeal sections 162.720, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, and 166.456, RSMo, and to enact in lieu thereof nine new sections relating to education.

Senator Hoskins moved that **SS** for **SCS** for **SB 152** be adopted.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 12, Section 166.456, Line 7, by inserting after all of said line the following:

“174.453. 1. Except as provided in section 174.450, the board of governors shall be appointed as follows:

(1) Five voting members shall be selected from the counties comprising the institution’s historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred thousand inhabitants;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the institution’s historic service region; and

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; and

(2) The nonvoting student member shall serve a two-year term.

3. Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

4. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Southern State University shall be appointed as follows:

(1) Six voting members shall be selected from any of the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these six members shall be appointed from any one county;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

(4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2004.

5. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Western State University shall be **composed of eight members** appointed as follows:

(1) Five voting members shall be selected from any of the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb [provided that no more than three of these five members shall be appointed from any one county];

(2) [Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;

(3)] One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

[(4)] **(3)** The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 1, Section 162.720, Line 10, by inserting after “district” the following: “**or charter school**”; and further amend line 13 by inserting after “district” the following: “**or charter school**”; and

Further amend said section, page 2, line 17, by inserting after “districts” the following: “**or charter schools**”; and further amend line 19 by inserting after “districts” the following: “**or charter schools**”.

Senator Eslinger moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 1, Section A, Line 5, by inserting after all of said line the following:

“162.441. 1. If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call an election upon the question of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees **and a majority vote of the county commission of the county or counties in which the community college district is located**, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

5. The question shall be submitted in substantially the following form:

Shall the _____ school district be annexed to the _____ school districts effective the _____ day of _____, _____?

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

Senator Hough assumed the Chair.

Senator Hegeman offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 1, Section A, Line 5, by inserting after all of said line the following:

“162.441. 1. If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call an election upon the question of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

5. The question shall be **approved by the county commission in which the school district is located and the ballot language shall include the tax rate and assessed valuation of the school district prior to and after approval of the question.** [submitted in substantially the following form:

Shall the _____ school district be annexed to the _____ school districts effective the _____ day of _____, _____?]

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.”

Senator Hegeman moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote, rendering **SA 3** moot.

Senator Arthur offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 1, Section A, Line 5, by inserting after all of said line the following:

“160.560. 1. The department of elementary and secondary education shall establish the “Show Me Success Diploma Program”.

2. Under the show me success diploma program, the department of elementary and secondary education shall develop the “Show Me Success Diploma” as an alternative pathway to graduation for high school students that may be earned at any point between the end of a student’s tenth grade year and the conclusion of the student’s twelfth grade year.

3. By July 1, 2022, the department of elementary and secondary education shall develop detailed requirements for students to become eligible for the show me success diploma that include at least the following:

(1) Demonstrated skills and knowledge in English, science, and mathematical literacy to be successful in college level courses offered by the community colleges in this state that count toward a degree or certificate without taking remedial or developmental coursework; and

(2) Satisfactory grades on approved examinations in subjects determined to be necessary to prepare a student to enter postsecondary education without remedial or developmental coursework.

4. School districts and charter schools may offer a course of study designed to meet the

requirements to obtain a show me success diploma to students entering the ninth grade. Students who elect to pursue a show me success diploma shall participate in a course of study designed by the school district to meet the requirements established pursuant to subsection 3 of this section. The show me success diploma shall be available to any such student until the end of that student's twelfth grade year.

5. Students who earn a show me success diploma may remain in high school and participate in programs of study available through the school district or charter school until that pupil would otherwise have graduated at the end of grade twelve. For purposes of calculation and distribution of state aid, the school district or charter school of a pupil having earned a show me success diploma who remains enrolled in the school district or charter school shall continue to include the pupil in the pupil enrollment of each such school district or charter school and shall continue to receive funding for a pupil who earns a show me success diploma until that pupil would otherwise have graduated at the end of grade twelve. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade twelve.

6. Students who pursue but do not meet the eligibility requirements for a show me success diploma at the end of grade ten or eleven shall receive a customized program of assistance during the next school year that addresses areas in which the student demonstrated deficiencies in the course requirements. Students may choose to return to a traditional academic program without completing the show me success diploma.

7. The department of elementary and secondary education shall provide training, guidance, and assistance to teachers and administrators of the schools offering the show me success diploma and shall closely monitor the progress of the schools in the development of the program.

8. Pupils who earn a show me success diploma and do not remain enrolled in the district or charter school and instead enroll, or show proof that they will enroll, in a postsecondary educational institution eligible to participate in a student aid program administered by the U.S. Department of Education, shall be included in the district's or charter school's state aid calculation under section 163.031, until such time that the pupil would have completed their twelfth grade year had they not earned a show me success diploma. The funding assigned to a pupil under this subsection shall be calculated as if the student's attendance percentage equaled the district or charter school's prior year average attendance percentage. For a pupil who, as provided in this subsection, is included in the district's or charter school's state aid calculation but who is not enrolled in the district or charter school, an amount equal to ninety percent of the pupil's proportionate share of the state, local, and federal aid that the district or charter school receives for said pupil under this subsection, shall be deposited into an account established under sections 166.400 to 166.455 that lists the pupil as the beneficiary. The state treasurer shall provide guidance and assist school districts, charter schools, pupils, and pupil's parents or guardians with the creation, maintenance, and use of an account that has been established under sections 166.400 to 166.455.

9. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,

section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

161.380. 1. Subject to appropriations, the department of elementary and secondary education shall establish the “Competency-Based Education Grant Program”.

2. (1) There is hereby created in the state treasury the “Competency-Based Education Grant Program Fund”. The fund shall consist of any appropriations to such fund and any gifts, contributions, grants, or bequests received from private or other sources for the purpose of providing competency-based education programs. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The department of elementary and secondary education shall award grants from the competency-based education grant program fund to eligible school districts for the purpose of providing competency based education programs. A school district wishing to receive such a grant shall submit an application to the department of elementary and secondary education addressing:

(1) A core mission that competency-based education courses shall help achieve;

(2) A plan that outlines competency-based education courses and key metrics that will show success;

(3) Resources available to the school and in the community that will assist in creating successful competency-based outcomes; and

(4) Resources and support needed to help the school succeed in implementing competency-based education courses.

4. The department of elementary and secondary education shall facilitate the creation, sharing, and development of course assessments, curriculum, training and guidance for teachers, and best practices for the school districts that offer competency-based education courses.

5. For purposes of this section, the term “competency-based education program” means an educational program that:

(1) Affords students flexibility to progress and earn course credit upon demonstration of mastery, including through early high school graduation;

(2) Provides individual learning and assessment options, including through experiential and project-based learning, online or blended learning, additional remedial education time, and accelerated-pace curricula;

(3) Assesses student proficiency based on graduate profiles describing meaningful and critical knowledge and skills that students should have upon graduation; or

(4) Assesses student proficiency through tasks developed both locally and at the state level, performance of which demonstrate mastery.

6. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

161.385. 1. There is hereby established the “Competency-Based Education Task Force” to study and develop competency-based education programs in public schools. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2021. The task force members shall be appointed as follows:

(1) Two members of the house of representatives appointed by the speaker of the house of representatives;

(2) Two members of the senate appointed by the president pro tempore of the senate;

(3) The commissioner of the department of elementary and secondary education or his or her designee; and

(4) Four members appointed by the governor. Two members shall each represent a separate school district that offers competency-based education courses.

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of its objectives as established in subsections 4 and 5 of this section. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members of the task force shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

3. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of its duties.

4. The task force shall:

(1) Work toward implementing competency-based education courses statewide and devising a plan for Missouri to lead the way in competency-based education courses;

(2) Solicit input from individuals and organizations with information or expertise relevant to the task force’s objective, including experts and educators with experience related to competency-based education programs;

(3) Hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents, representatives

from business and industry, labor and community leaders, members of the general assembly, and the general public;

(4) Identify promising competency-based education programs, including programs that:

(a) Afford students flexibility to progress and earn course credit upon demonstration of mastery, including through early high school graduation;

(b) Provide individual learning and assessment options, including through experiential and project-based learning, online or blended learning, additional remedial education time, and accelerated-pace curricula;

(c) Assess student proficiency through tasks developed both locally and at the state level, performance of which demonstrate mastery;

(5) Identify obstacles to implementing competency-based education programs in Missouri public schools;

(6) Develop comprehensive graduate profiles which describe meaningful and critical knowledge skills that students should have upon graduation that can be implemented into a diploma designation;

(7) Develop findings and recommendations for implementing competency-based education models and practices in Missouri public schools, including recommending changes to existing legislation, rules, and regulations;

(8) Develop findings and recommendations for implementing a competency-based performance assessment that:

(a) Is consistent with the most effective competency-based education programs identified by the task force pursuant to subdivision (3) of this subsection;

(b) Assesses students based on both locally-developed and common statewide performance tasks tied to grade and course competencies aligned with state content standards; and

(c) Complies with all applicable federal law, including 20 U.S.C. Section 6311(b)(1)(B). To the extent that implementing a competency-based performance assessment would require the department of elementary and secondary education to obtain innovative assessment and accountability demonstration authority under 20 U.S.C. Section 6364, the task force shall develop findings and recommendations for obtaining such authority.

5. The task force shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education by December first annually.”; and

Further amend said bill, page 3, section 162.720, line 65, by inserting after all of said line the following:

“162.1255. 1. For purposes of this section, the following terms shall mean:

(1) “Competency-based credit”, credit awarded by school districts and charter schools to high school students upon demonstration of competency as determined by a school district. Such credit shall be awarded upon receipt of “proficient” or “advanced” on an end-of-course assessment;

(2) “Prior year average attendance percentage”, the quotient of the district or charter school’s

prior year average daily attendance divided by the district or charter school's prior year average yearly enrollment.

2. School districts and charter schools shall receive state school funding under sections 163.031, 163.043, 163.044, and 163.087 for resident pupils enrolled in the school district or charter school and taking competency-based courses offered by the school district.

3. For purposes of calculation and distribution of state aid under section 163.031, attendance of a student enrolled in a district's or charter school's competency-based courses shall equal, upon course completion, the product of the district or charter school's prior year average attendance percentage multiplied by the total number of attendance hours normally allocable to a noncompetency-based course of equal credit value.”; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted.

Senator Eigel offered **SA 1 to SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 4, Section 161.380, Line 112, by striking the words “or other”.

Senator Eigel moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schatz offered **SA 2 to SA 4**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 4, Section 160.560, Line 104, by inserting after all of said line the following:

“10. The provisions of this section shall expire on August 28, 2028.”; and

Further amend said bill, page 6, section 161.380, line 179, by inserting after all of said line the following:

“7. The provisions of this section shall expire on August 28, 2028.”; and

Further amend said bill, page 9, section 161.385, line 266, by inserting after the word “annually.” the following:

“

6. The provisions of this section shall expire on August 28, 2028.”; and

Further amend said bill, page 10, section 162.1255, line 292, by inserting after the word “value.” the following:

“

4. The provisions of this section shall expire on August 28, 2028.”.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Arthur moved that **SA 4**, as amended, be adopted, which motion prevailed.

Senator Rizzo offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 1, In the Title, Line 5, of the title, by inserting after “education” the following: “with an emergency clause for a certain section”; and

Further amend said bill, page 12, Section 166.456, line 7, by inserting after all of said line the following:

“210.201. As used in sections 210.201 to 210.257, the following terms mean:

(1) “Child”, an individual who is under the age of seventeen;

(2) “Child care”, care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. “Child care” is a voluntary supplement to parental responsibility for the child’s protection, development, and supervision;

(3) “Child-care facility” or “child care facility”, a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:

(a) Six children; or

(b) Three children under two years of age;

(4) “Child care provider” or “provider”, the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;

(5) “Montessori school”, a child care program that [subscribes to Maria Montessori’s educational philosophy and that is accredited by the American Montessori Society or the Association Montessori Internationale] **is either accredited by, actively seeking accreditation by, or maintains an active school membership with the American Montessori Society, the Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International;**

(6) “Neighborhood youth development program”, as described in section 210.278;

(7) “Nursery school”, a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;

(8) “Person”, any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;

(9) “Religious organization”, a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;

(10) “School system”, a program established primarily for education and that meets the following criteria:

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student;

(11) "Summer camp", a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of age in the same building or in the same outdoor play area.

Section B. Because of the need to preserve safe and adequate access to educational opportunities for Missouri children, the repeal and reenactment of section 210.201 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 210.201 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 1, Section A, Line 5, by inserting after all of said line the following:

"161.229. 1. The department of elementary and secondary education shall maintain and publish on its website any data or report sent to the department from any federal agency within thirty days of receipt of such data or report in an accessible format.

2. The department shall maintain and publish on its website in an accessible format the full text of all state administrative rules and regulations related to elementary and secondary education and shall update such information within thirty days of the publication in the Missouri Register of any final order of rulemaking related to such rules and regulations.

3. The information published pursuant to subsections 1 and 2 of this section shall be made available to the public and shall be accessible and searchable from various devices including, but not limited to, computers, tablets, and other electronic communication devices.

4. By December thirty-first in every even-numbered year, the state auditor shall review the department's website for compliance with this section."; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Beck offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 152, Page 12, Section 166.456, Line 7, by inserting after all of said line the following:

“167.625. 1. This section shall be known and may be cited as “Will’s Law”.

2. As used in this section, the following terms mean:

(1) “Individualized emergency health care plan”, a document developed by a school nurse, in consultation with a student’s parent and other appropriate medical professionals, that is consistent with the recommendations of the student’s health care providers, that describes procedural guidelines that provide specific directions about what to do in a particular emergency situation, and that is signed by the parent and the school nurse or the school administrator or the administrator’s designee in the absence of the school nurse;

(2) “Individualized health care plan”, a document developed by a school nurse, in consultation with a student’s parent and other appropriate medical professionals who may be providing epilepsy or seizure disorder care to the student, that is consistent with the recommendations of the student’s health care providers, that describes the health services needed by the student at school, and that is signed by the parent and the school nurse or the school administrator or the administrator’s designee in the absence of the school nurse;

(3) “Parent”, a parent, guardian, or other person having charge, control, or custody of a student;

(4) “School”, any public elementary or secondary school or charter school;

(5) “School employee”, a person employed by a school;

(6) “Student”, a student who has epilepsy or a seizure disorder and who attends a school.

3. (1) The parent of a student who seeks epilepsy or seizure disorder care while at school shall inform the school nurse or the school administrator or the administrator’s designee in the absence of the school nurse. The school nurse shall develop an individualized health care plan and an individualized emergency health care plan for the student. The parent of the student shall annually provide to the school written authorization for the provision of epilepsy or seizure disorder care as described in the individualized plans.

(2) The individualized plans developed under subdivision (1) of this subsection shall be updated by the school nurse before the beginning of each school year and as necessary if there is a change in the health status of the student.

(3) Each individualized health care plan shall, and each individualized emergency health care plan may, include but not be limited to the following information:

(a) A notice about the student’s condition for all school employees who interact with the student;

(b) Written orders from the student’s physician or advanced practice nurse describing the epilepsy or seizure disorder care;

(c) The symptoms of the epilepsy or seizure disorder for that particular student and recommended care;

(d) Whether the student may fully participate in exercise and sports, and any contraindications to exercise or accommodations that shall be made for that particular student;

(e) Accommodations for school trips, after-school activities, class parties, and other school-related activities;

(f) Information for such school employees about how to recognize and provide care for epilepsy and seizure disorders, epilepsy and seizure disorder first aid training, when to call for assistance, emergency contact information, and parent contact information;

(g) Medical and treatment issues that may affect the educational process of the student;

(h) The student's ability to manage, and the student's level of understanding of, the student's epilepsy or seizure disorder; and

(i) How to maintain communication with the student, the student's parent and health care team, the school nurse or the school administrator or the administrator's designee in the absence of the school nurse, and the school employees.

4. (1) The school nurse assigned to a particular school or the school administrator or the administrator's designee in the absence of the school nurse shall coordinate the provision of epilepsy and seizure disorder care at that school and ensure that all school employees are trained every two years in the care of students with epilepsy and seizure disorders including, but not limited to, school employees working with school-sponsored programs outside of the regular school day, as provided in the student's individualized plans.

(2) The training required under subdivision (1) of this subsection shall include an online or in-person course of instruction approved by the department of health and senior services that is provided by a reputable, local, Missouri-based health care or nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders.

5. The school nurse or the school administrator or the administrator's designee in the absence of the school nurse shall obtain a release from a student's parent to authorize the sharing of medical information between the student's physician or advanced practice nurse and other health care providers. The release shall also authorize the school nurse or the school administrator or the administrator's designee in the absence of the school nurse to share medical information with other school employees in the school district as necessary. No sharing of information under this subsection shall be construed to be a violation of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191), as amended, if a student's parent has provided a release under this subsection.

6. No school employee including, but not limited to, a school nurse, a school bus driver, a school bus aide, or any other officer or agent of a school shall be held liable for any good faith act or omission consistent with the provisions of this section, nor shall an action before the state board of nursing lie against a school nurse for any such action taken by a school employee trained in good faith by the school nurse under this section. "Good faith" shall not be construed to include willful misconduct, gross negligence, or recklessness.

Section B. Because immediate action is necessary to provide individualized care plans for students with epilepsy or seizure disorders who attend public schools, the repeal and reenactment of section 167.625 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 167.625 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins moved that **SS for SCS for SB 152**, as amended, be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS for SCS for SB 152**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Schatz referred **SCR 14** and **SCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolutions were read the 2nd time and referred to the Committee indicated:

SCR 13—Rules, Joint Rules, Resolutions and Ethics.

SCR 15—Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SB 22**, begs leave to report that it has considered the same and finds the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Bean offered Senate Resolution No. 133, regarding Bill Moriarty, Freemont, which was adopted.

Senator Roberts offered Senate Resolution No. 134, regarding Cortex Innovation District, St. Louis, which was adopted.

Senator Moon offered Senate Resolution No. 135, regarding Murray Bishoff, Monett, which was adopted.

Senator Moon offered Senate Resolution No. 136, regarding Scott Beckwith, which was adopted.

INTRODUCTION OF GUESTS

Senator Moon introduced to the Senate, Michelle Morettini Dahl, Sinclair Dahl, Washburn; Mandy Hamblett, Jeremiah Hamblett; and Nathaniel Hamblett, Washburn.

Senator Burlison introduced to the Senate, Jake and Melissa Smith; and Teenpack members.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY—WEDNESDAY, MARCH 3, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 476-May	SB 505-Brattin
SB 477-Eigel	SB 506-Bean
SB 478-Hough	SB 507-Bean
SB 479-Hough	SB 508-Bean
SB 480-White	SB 509-Washington
SB 481-Hough	SB 510-Brown
SB 482-Beck	SB 511-Hegeman
SB 483-Koenig	SB 512-Hough
SB 484-Gannon	SB 513-Hough
SB 485-Gannon	SB 514-Onder
SB 486-Razer	SB 515-Gannon
SB 487-Onder	SB 516-Gannon
SB 488-May	SB 517-Gannon
SB 489-Roberts	SB 518-Gannon
SB 490-Bernskoetter	SB 519-Riddle
SB 491-Bernskoetter	SB 520-Roberts
SB 492-Brattin	SB 521-Roberts
SB 493-Gannon	SB 522-Koenig
SB 494-Eslinger	SB 523-White
SB 495-Roberts	SB 524-White
SB 497-Hough and Hegeman	SB 525-Arthur
SB 498-Hough	SB 526-Hegeman
SB 499-Schupp	SB 527-Hough
SB 500-Schupp	SB 528-White
SB 501-Wieland	SB 529-Cierpiot
SB 502-Moon	SB 530-Crawford
SB 503-Moon	SB 531-Schupp
SB 504-Rehder	SB 532-Rehder

SB 533-Rehder	SB 571-Schatz
SB 534-Rehder	SB 572-Schatz
SB 535-Gannon	SB 573-Schatz
SB 536-Hough	SB 574-Gannon
SB 537-Burlison	SB 575-Bean
SB 538-Burlison	SB 576-Mosley
SB 539-Burlison	SB 577-Riddle
SB 540-Burlison	SB 578-Riddle
SB 541-Brown	SB 579-Rehder
SB 542-Washington	SB 580-Rehder
SB 543-Washington	SB 581-Eslinger
SB 544-Brattin	SB 582-Eslinger
SB 545-Williams	SB 583-Eslinger
SB 546-Crawford	SB 584-Eslinger
SB 547-Hoskins	SB 585-Eslinger
SB 548-Hoskins	SB 586-Brattin
SB 549-Hoskins	SB 587-Brattin
SB 550-Schupp	SB 588-Brattin
SB 551-May	SB 589-Brattin
SB 552-May	SB 590-Brattin
SB 553-Gannon	SB 591-Roberts
SB 554-Eigel	SB 592-Roberts
SB 555-Hoskins	SB 593-Roberts
SB 556-Hoskins	SB 594-Moon
SB 557-Hoskins	SB 595-Moon
SB 558-Brattin	SB 596-Moon
SB 559-Schatz	SB 597-Moon
SB 560-Schatz	SB 598-O'Laughlin
SB 561-Gannon	SB 599-O'Laughlin
SB 562-Schupp	SB 600-O'Laughlin
SB 563-Burlison	SB 601-O'Laughlin
SB 564-Rehder	SB 602-O'Laughlin
SB 565-Moon	SB 603-Koenig
SB 566-Moon	SB 604-Koenig
SB 567-White	SB 605-Koenig
SB 568-White	SB 606-Burlison
SB 569-Arthur	SB 607-Williams
SB 570-Hough	SB 608-Razer

SB 609-Razer	SB 621-Bernskoetter
SB 610-May	SB 622-Bernskoetter
SB 611-May	SB 623-Hough
SB 612-May	SB 624-Hough
SB 613-Crawford	SB 625-Hough
SB 614-Crawford	SB 626-Hough
SB 615-Eigel	SB 627-Hough
SB 616-Eigel	SB 628-Brattin
SB 617-Eigel	SB 629-Hoskins
SB 618-Bernskoetter	SB 630-Hoskins
SB 619-Bernskoetter	SJR 28-Hegeman
SB 620-Bernskoetter	SJR 29-Burlison

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HCS for HB 334
HCS for HB 350	HB 345-DeGroot
HB 153-Rone	HCS for HB 527
HCS for HB 574	HCS for HB 349
HB 476-Grier	HCS for HB 548
HCS for HB 271	HB 139-Hudson
HCS for HB 362	HB 670-Houx
HCS for HB 59	HB 657-Trent
HCS for HBs 547 & 752	

THIRD READING OF SENATE BILLS

SS for SCS for SB 27-Crawford	SS for SB 89-Wieland
SS for SB 64-Rehder	SS for SB 22-Koenig
SB 38-Bernskoetter	

SENATE BILLS FOR PERFECTION

1. SB 11-Schatz	3. SB 330-Burlison
2. SB 43-White, with SCS	4. SB 24-Eigel

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|---------------------------------------|-----------------------------------|
| 5. SB 47-Hough | 22. SB 149-Onder |
| 6. SB 86-Hegeman | 23. SJR 2-Onder, with SCS |
| 7. SB 100-Koenig, with SCS | 24. SB 137-Brattin |
| 8. SB 258-White | 25. SB 108-Cierpiot, with SCS |
| 9. SB 63-Rehder | 26. SB 141-Bean |
| 10. SB 262-Schatz, with SCS | 27. SB 163-Cierpiot |
| 11. SBs 53 & 60-Luetkemeyer, with SCS | 28. SB 40-Burlison, with SCS |
| 12. SB 179-Luetkemeyer | 29. SB 301-Bernskoetter, with SCS |
| 13. SB 128-Brown | 30. SB 333-Burlison |
| 14. SB 6-Wieland | 31. SB 120-White, with SCS |
| 15. SB 106-Crawford, with SCS | 32. SB 327-Koenig |
| 16. SB 4-Wieland, with SCS | 33. SB 289-Brown, with SCS |
| 17. SB 9-Riddle | 34. SB 176-Hough |
| 18. SBs 153 & 97-Koenig, with SCS | 35. SB 46-Hough |
| 19. SB 91-Riddle, with SCS | 36. SB 3-Hegeman |
| 20. SB 283-Hoskins | 37. SB 212-White |
| 21. SB 119-Burlison, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 1-Hegeman | SBs 55, 23 & 25-O'Laughlin, et al, with |
| SB 7-Riddle, with SS & SA 1 (pending) | SCS & SS for SCS (pending) |
| SB 10-Schatz, with SS (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SBs 12, 20, 21, 31, 56, 67 & 68-Onder, with SCS, | |
| SS for SCS & SA 5 (pending) | |

RESOLUTIONS

Reported from Committee

SCR 3-Roberts and Moon, with SCS

✓

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY—WEDNESDAY, MARCH 3, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I praise you for I am fearfully and wonderfully made. Wonderful are your works; that I know very well.” (Psalm 139:14)

We praise You, Heavenly Father, and thank You for the health we enjoy to do our daily work. We pray for You to bless us with wisdom to discipline our habits that we may do that which is helpful to our bodies and don’t indulge in things that are harmful. We pray for minds that are distressed by worry and free from anxiety for we trust fully in You. We pray for our minds to be cleansed so we are not bitter or resentful but content with what You have provided for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Rehder—1

Vacancies—None

The Lieutenant Governor was present.

Senator Hough assumed the Chair.

RESOLUTIONS

Senator Rowden offered the following resolution:

SENATE RESOLUTION NO. 137

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2021, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, One Hundred First General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 8:00 am to 5:00 pm on June 23, 2021.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 137** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 137** was adopted.

Senator Rowden offered the following resolution:

SENATE RESOLUTION NO. 138

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its Youth in Government program on November 11, 2021 through November 13, 2021 and December 2, 2021 through December 4, 2021.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 138** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 138** was adopted.

Senator Rowden offered the following resolution:

SENATE RESOLUTION NO. 139

Whereas, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

Whereas, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

Whereas, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

Whereas, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

Now, Therefore, Be It Resolved that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use

the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 5:00 p.m. on Thursday, October 21 and 8:00 am - 12:00 pm on Friday, October 22, 2021.

Senator Rowden requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 139** up for adoption, which request was granted.

On motion of Senator Rowden, **SR 139** was adopted.

Senator Bernskoetter offered the following resolution:

SENATE RESOLUTION NO. 140

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, One Hundred First General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber, the Senate Lounge and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on September 25, 2021, for the purpose of a citizens assembly and workshops.

Senator Bernskoetter requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 140** up for adoption, which request was granted.

On motion of Senator Bernskoetter, **SR 140** was adopted.

CONCURRENT RESOLUTIONS

Senator Eigel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

Whereas, H.R. 1319, entitled the “American Rescue Plan”, passed the United States House of Representatives on February 26, 2021, is currently pending in the United States Senate, and appears headed for final passage and presentment to the President; and

Whereas, a provision in the American Rescue Plan would send federal funds directly to cities and counties within the several states, bypassing the state governments as a means of distribution; and

Whereas, the foundation of the American Republic rests upon the explicit and implicit tenets of federalism embedded throughout the United States Constitution in which a symbiotic relationship exists between the federal government and the several states; and

Whereas, the states are the ultimate source of sovereignty in the United States, and, as noted by James Madison in Federalist No. 45, they “are essential components of the federal government,” while the federal government is “nowise essential to the operation or organization of the” state governments; and

Whereas, neither the history nor tradition of federalism in the United States contemplates the idea of a relationship between the federal government and the counties and cities of the several states but rather it contemplates a relationship between the federal government and the several state governments; and

Whereas, counties and cities are creations of the state and, as such, cannot exist without the state; and

Whereas, the federal government should not be sending federal funds directly to the counties and cities of the several states, but rather should be sending such funds directly to the state to distribute to the funds; and

Whereas, states are in a better position to understand the needs of its various counties and cities and more appropriately allocate the federal funds to which the respective states are entitled:

Now, Therefore Be It Resolved that the members of the Missouri Senate, One Hundred and First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Attorney General of Missouri to file a complaint against the federal government in federal court challenging the direct payment of federal funds to counties and cities; and

Be It Further Resolved that sending federal funds directly to cities and counties within states violates the principle of federalism embedded in the United States Constitution; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Attorney General.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 152**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
March 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for you advice and consent the following appointments:

Stephen J. Coppinger, Independent, 6546 Summit Street, Kansas City, Jackson County, Missouri 64113, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2027, and until his successor is duly appointed and qualified; vice, Marilou Joyner, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for you advice and consent the following appointments:

Shanda Durbin, Independent, 15375 Private Drive 3432, Saint Joseph, Andrew County, Missouri 64505, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2023, and under her successor is duly appointed and qualified; vice, George R. Speckman, resigned.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

At the request of Senator Schatz, **SB 11** was placed on the Informal Calendar.

Senator White moved that **SB 43**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 43**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 43**

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to hearing aids covered by health benefit plans.

Was taken up.

Senator White moved that **SCS** for **SB 43** be adopted.

Senator White offered **SS** for **SCS** for **SB 43**:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 43

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to hearing aids covered by health benefit plans.

Senator White moved that **SS** for **SCS** for **SB 43** be adopted, which motion prevailed.

President Kehoe assumed the Chair.

On motion of Senator White, **SS** for **SCS** for **SB 43** was declared perfected and ordered printed.

Senator Burlison moved that **SB 330** be taken up for perfection, which motion prevailed.

On motion of Senator Burlison, **SB 330** was declared perfected and ordered printed.

INTRODUCTION OF GUESTS

Senator Gannon introduced to the Senate, the Arcadia Valley High School Girls Cross Country team: Natalie Stricklin, Emma Dittmer, Erica Standefer, Avery Jones, Mary Teddis, Ella Weber, Trinity Russell, and Alyssa Glanzer.

Senator Schupp introduced to the Senate, Chance Sticklen, Joplin; Mitch Eden, Kirkwood, Amelia Hurley, Kirkwood, and Amara Harper, Kirkwood.

Senator Crawford introduced to the Senate, Hollie Elliott, Fair Grove; Travis Elliott, Fair Grove; and Anson Elliott, Fair Grove.

Senator Arthur introduced to the Senate, Kelly McClelland, Liberty; Elizabeth Rae McClelland, Liberty; and Ryan McClelland, Liberty.

Senator Brattin introduced to the Senate, Zeke Spieker, Maddy Karst, Sarah Misener; and Lena Misener.

Senator Roberts introduced to the Senate, Annie-Marie Clarke, St. Louis.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTIETH DAY—THURSDAY, MARCH 4, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 478-Hough	SB 516-Gannon
SB 479-Hough	SB 517-Gannon
SB 480-White	SB 518-Gannon
SB 481-Hough	SB 519-Riddle
SB 482-Beck	SB 520-Roberts
SB 483-Koenig	SB 521-Roberts
SB 484-Gannon	SB 522-Koenig
SB 485-Gannon	SB 523-White
SB 486-Razer	SB 524-White
SB 487-Onder	SB 525-Arthur
SB 488-May	SB 526-Hegeman
SB 489-Roberts	SB 527-Hough
SB 490-Bernskoetter	SB 528-White
SB 491-Bernskoetter	SB 529-Cierpiot
SB 492-Brattin	SB 530-Crawford
SB 493-Gannon	SB 531-Schupp
SB 494-Eslinger	SB 532-Rehder
SB 495-Roberts	SB 533-Rehder
SB 497-Hough and Hegeman	SB 534-Rehder
SB 498-Hough	SB 535-Gannon
SB 499-Schupp	SB 536-Hough
SB 500-Schupp	SB 537-Burlison
SB 501-Wieland	SB 538-Burlison
SB 502-Moon	SB 539-Burlison
SB 503-Moon	SB 540-Burlison
SB 504-Rehder	SB 541-Brown
SB 505-Brattin	SB 542-Washington
SB 506-Bean	SB 543-Washington
SB 507-Bean	SB 544-Brattin
SB 508-Bean	SB 545-Williams
SB 509-Washington	SB 546-Crawford
SB 510-Brown	SB 547-Hoskins
SB 511-Hegeman	SB 548-Hoskins
SB 512-Hough	SB 549-Hoskins
SB 513-Hough	SB 550-Schupp
SB 514-Onder	SB 551-May
SB 515-Gannon	SB 552-May

SB 553-Gannon	SB 590-Brattin
SB 554-Eigel	SB 591-Roberts
SB 555-Hoskins	SB 592-Roberts
SB 556-Hoskins	SB 593-Roberts
SB 557-Hoskins	SB 594-Moon
SB 558-Brattin	SB 595-Moon
SB 559-Schatz	SB 596-Moon
SB 560-Schatz	SB 597-Moon
SB 561-Gannon	SB 598-O’Laughlin
SB 562-Schupp	SB 599-O’Laughlin
SB 563-Burlison	SB 600-O’Laughlin
SB 564-Rehder	SB 601-O’Laughlin
SB 565-Moon	SB 602-O’Laughlin
SB 566-Moon	SB 603-Koenig
SB 567-White	SB 604-Koenig
SB 568-White	SB 605-Koenig
SB 569-Arthur	SB 606-Burlison
SB 570-Hough	SB 607-Williams
SB 571-Schatz	SB 608-Razer
SB 572-Schatz	SB 609-Razer
SB 573-Schatz	SB 610-May
SB 574-Gannon	SB 611-May
SB 575-Bean	SB 612-May
SB 576-Mosley	SB 613-Crawford
SB 577-Riddle	SB 614-Crawford
SB 578-Riddle	SB 615-Eigel
SB 579-Rehder	SB 616-Eigel
SB 580-Rehder	SB 617-Eigel
SB 581-Eslinger	SB 618-Bernskoetter
SB 582-Eslinger	SB 619-Bernskoetter
SB 583-Eslinger	SB 620-Bernskoetter
SB 584-Eslinger	SB 621-Bernskoetter
SB 585-Eslinger	SB 622-Bernskoetter
SB 586-Brattin	SB 623-Hough
SB 587-Brattin	SB 624-Hough
SB 588-Brattin	SB 625-Hough
SB 589-Brattin	SB 626-Hough

SB 627-Hough
 SB 628-Brattin
 SB 629-Hoskins

SB 630-Hoskins
 SJR 28-Hegeman
 SJR 29-Burlison

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310
 HCS for HB 350
 HB 153-Rone
 HCS for HB 574
 HB 476-Grier
 HCS for HB 271
 HCS for HB 362
 HCS for HB 59
 HCS for HBs 547 & 752

HCS for HB 334
 HB 345-DeGroot
 HCS for HB 527
 HCS for HB 349
 HCS for HB 548
 HB 139-Hudson
 HB 670-Houx
 HB 657-Trent

THIRD READING OF SENATE BILLS

SS for SCS for SB 27-Crawford
 SS for SB 64-Rehder
 SB 38-Bernskoetter

SS for SB 89-Wieland
 SS for SB 22-Koenig
 SS for SCS for SB 152-Hoskins

SENATE BILLS FOR PERFECTION

1. SB 24-Eigel
2. SB 47-Hough
3. SB 86-Hegeman
4. SB 100-Koenig, with SCS
5. SB 258-White
6. SB 63-Rehder
7. SB 262-Schatz, with SCS
8. SBs 53 & 60-Luetkemeyer, with SCS
9. SB 179-Luetkemeyer
10. SB 128-Brown
11. SB 6-Wieland

12. SB 106-Crawford, with SCS
13. SB 4-Wieland, with SCS
14. SB 9-Riddle
15. SBs 153 & 97-Koenig, with SCS
16. SB 91-Riddle, with SCS
17. SB 283-Hoskins
18. SB 119-Burlison, with SCS
19. SB 149-Onder
20. SJR 2-Onder, with SCS
21. SB 137-Brattin
22. SB 108-Cierpiot, with SCS

- | | |
|-----------------------------------|----------------------------|
| 23. SB 141-Bean | 29. SB 327-Koenig |
| 24. SB 163-Cierpiot | 30. SB 289-Brown, with SCS |
| 25. SB 40-Burlison, with SCS | 31. SB 176-Hough |
| 26. SB 301-Bernskoetter, with SCS | 32. SB 46-Hough |
| 27. SB 333-Burlison | 33. SB 3-Hegeman |
| 28. SB 120-White, with SCS | 34. SB 212-White |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|---|
| SB 1-Hegeman | SBs 12, 20, 21, 31, 56, 67 & 68-Onder, with SCS,
SS for SCS & SA 5 (pending) |
| SB 7-Riddle, with SS & SA 1 (pending) | SBs 55, 23 & 25-O'Laughlin, et al, with SCS &
SS for SCS (pending) |
| SB 10-Schatz, with SS (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SB 11-Schatz | |

RESOLUTIONS

Reported from Committee

SCR 3-Roberts and Moon, with SCS

To be Referred

SCR 17-Eigel

✓

Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY—THURSDAY, MARCH 4, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Remember me. O Lord, when You show favor to Your people; help me when You deliver them;” (Psalm 106:4)

Gracious God, we ask that You may bless each of us and provide gentle, healing power of Your love that we may find ways to express such love to others when we return home. Give us the power to express Your love that wipes away the tears of the grieving, and those who suffer. Let us reach out a hand to those who are fearful and those who are lost. Help us leave our comfort zones that Your acts of mercy may give assurance that Your love touches everyone through our meager efforts. And especially we ask Your love and comfort touches Senator Rehder as she grieves her father’s death. Bless and be with her and her family as they commend him to You, assured of your love and acceptance of him. All this we ask, in Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Rehder—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 141, regarding the Seventy-Fifth Anniversary of Sir Winston Churchill's prescient "Sinews of Peace" speech, which was adopted.

Senator Burlison offered Senate Resolution No. 142, regarding Allison Garrett, Nixa, which was adopted.

Senator May offered Senate Resolution No. 143, regarding the Seventy-Fifth Anniversary of Tarlton Corporation, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 330** and **SS** for **SCS** for **SB 43**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 27**, introduced by Senator Crawford, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 27

An Act to repeal sections 49.310, 50.166, 50.327, 50.530, 59.021, 59.100, 115.127, 221.105, 451.040, and 476.083, RSMo, and to enact in lieu thereof ten new sections relating to political subdivisions, with existing penalty provisions.

Was taken up.

On motion of Senator Crawford, **SS** for **SCS** for **SB 27** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hough
Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Onder	Razer
Rizzo	Roberts	Rowden	Schatz	Schupp	Washington	White
Wieland	Williams—30					

NAYS—Senator Moon—1

Absent—Senators

Hoskins Riddle—2

Absent with leave—Senator Rehder—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

At the request of Senator Rowden, on behalf of Senator Rehder, **SS** for **SB 64** was placed on the Informal Calendar.

SB 38, introduced by Senator Bernskoetter, entitled:

SENATE BILL NO. 38

An Act to repeal sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof fifteen new sections relating to electric bicycles, with penalty provisions.

Was taken up.

On motion of Senator Bernskoetter, **SB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Rehder—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for **SB 89**, introduced by Senator Wieland, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 89

An Act to repeal sections 304.153, 385.220, and 385.320, RSMo, and to enact in lieu thereof four new sections relating to motor clubs, with existing penalty provisions.

Was taken up.

On motion of Senator Wieland, **SS** for **SB 89** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Hoskins Riddle—2

Absent with leave—Senator Rehder—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for **SB 22**, introduced by Senator Koenig, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 22

An Act to repeal sections 99.805, 99.810, 99.820, 99.843, 99.847, and 99.848, RSMo, and to enact in lieu thereof six new sections relating to tax increment financing.

Was taken up.

On motion of Senator Koenig, **SS** for **SB 22** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Hoskins Riddle—2

Absent with leave—Senator Rehder—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Anne-Marie Clarke, Independent; Hollie Elliott, Republican and C. Phillip Hoffman, Independent, as members of the Coordinating Board for Higher Education; and

Kelly L. McClelland, as a member of the Missouri Veterans' Commission.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

REFERRALS

President Pro Tem Schatz referred **SCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred **SS** for **SCS** for **SB 43** and **SS** for **SCS** for **SB 152** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Hoskins, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 354**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 226**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 126**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 287**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 44**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following

report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 94**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 206**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 138**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 78**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 74**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 343**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 95**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 134**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 98**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 377**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 476—Education.

SB 477—Education.

SB 478—Seniors, Families, Veterans & Military Affairs.

SB 479—Professional Registration.

SB 480—Commerce, Consumer Protection, Energy and the Environment.

SB 481—Governmental Accountability and Fiscal Oversight.

SB 482—Small Business and Industry.

SB 483—Ways and Means.

SB 484—Insurance and Banking.

SB 485—Insurance and Banking.

SB 486—Ways and Means.

SB 487—Judiciary and Civil and Criminal Jurisprudence.

SB 488—General Laws.

SB 489—Insurance and Banking.

SB 490—Agriculture, Food Production and Outdoor Resources.

SB 491—Agriculture, Food Production and Outdoor Resources.

SB 492—General Laws.

SB 493—Transportation, Infrastructure and Public Safety.

SB 494—Transportation, Infrastructure and Public Safety.

SB 495—Local Government and Elections.

SB 497—Agriculture, Food Production and Outdoor Resources.

SB 498—Governmental Accountability and Fiscal Oversight.

- SB 499**—Economic Development.
- SB 500**—Economic Development.
- SB 501**—Insurance and Banking.
- SB 502**—Governmental Accountability and Fiscal Oversight.
- SB 503**—Education.
- SB 504**—Seniors, Families, Veterans & Military Affairs.
- SB 505**—Judiciary and Civil and Criminal Jurisprudence.
- SB 506**—Governmental Accountability and Fiscal Oversight.
- SB 507**—Small Business and Industry.
- SB 508**—Commerce, Consumer Protection, Energy and the Environment.
- SB 509**—Judiciary and Civil and Criminal Jurisprudence.
- SB 510**—Transportation, Infrastructure and Public Safety.
- SB 511**—Appropriations.
- SB 512**—Local Government and Elections.
- SB 513**—Judiciary and Civil and Criminal Jurisprudence.
- SB 514**—Health and Pensions.
- SB 515**—Education.
- SB 516**—Education.
- SB 517**—Education.
- SB 518**—Education.
- SB 519**—Health and Pensions.
- SB 520**—Transportation, Infrastructure and Public Safety.
- SB 521**—Health and Pensions.
- SB 522**—Ways and Means.
- SB 523**—Health and Pensions.
- SB 524**—Judiciary and Civil and Criminal Jurisprudence.
- SB 525**—Agriculture, Food Production and Outdoor Resources.
- SB 526**—Local Government and Elections.
- SB 527**—Judiciary and Civil and Criminal Jurisprudence.
- SB 528**—General Laws.
- SB 529**—Ways and Means.
- SB 530**—Governmental Accountability and Fiscal Oversight.

SB 531—Health and Pensions.

SB 532—General Laws.

SB 533—Transportation, Infrastructure and Public Safety.

SB 534—Judiciary and Civil and Criminal Jurisprudence.

SB 535—Transportation, Infrastructure and Public Safety.

SB 536—Seniors, Families, Veterans & Military Affairs.

SB 537—Health and Pensions.

SB 538—Health and Pensions.

SB 539—Small Business and Industry.

SB 540—Judiciary and Civil and Criminal Jurisprudence.

SB 541—Health and Pensions.

SB 542—Small Business and Industry.

SB 543—Health and Pensions.

SB 544—General Laws.

SB 545—Economic Development.

SB 546—Commerce, Consumer Protection, Energy and the Environment.

SB 547—Local Government and Elections.

SB 548—Professional Registration.

SB 549—Small Business and Industry.

SB 550—Health and Pensions.

SB 551—General Laws.

SB 552—Judiciary and Civil and Criminal Jurisprudence.

SB 553—Governmental Accountability and Fiscal Oversight.

SB 554—Economic Development.

SB 555—Education.

SB 556—Economic Development.

SB 557—General Laws.

SB 558—Commerce, Consumer Protection, Energy and the Environment.

SB 559—Commerce, Consumer Protection, Energy and the Environment.

SB 560—General Laws.

SB 561—Seniors, Families, Veterans & Military Affairs.

SB 562—Agriculture, Food Production and Outdoor Resources.

SB 563—Seniors, Families, Veterans & Military Affairs.

SB 564—Health and Pensions.

SB 565—Education.

SB 566—Education.

SB 567—Ways and Means.

SB 568—General Laws.

SB 569—Transportation, Infrastructure and Public Safety.

SB 570—Commerce, Consumer Protection, Energy and the Environment.

SB 571—Governmental Accountability and Fiscal Oversight.

SB 572—Governmental Accountability and Fiscal Oversight.

SB 573—Commerce, Consumer Protection, Energy and the Environment.

SB 574—Small Business and Industry.

SB 575—Agriculture, Food Production and Outdoor Resources.

SB 576—Rules, Joint Rules, Resolutions and Ethics.

SB 577—Local Government and Elections.

SB 578—Economic Development.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, March 8, 2021.

SENATE CALENDAR

THIRTY-FIRST DAY—MONDAY, MARCH 8, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 579-Rehder
SB 580-Rehder
SB 581-Eslinger
SB 582-Eslinger
SB 583-Eslinger
SB 584-Eslinger
SB 585-Eslinger
SB 586-Brattin

SB 587-Brattin
SB 588-Brattin
SB 589-Brattin
SB 590-Brattin
SB 591-Roberts
SB 592-Roberts
SB 593-Roberts
SB 594-Moon

SB 595-Moon	SB 614-Crawford
SB 596-Moon	SB 615-Eigel
SB 597-Moon	SB 616-Eigel
SB 598-O’Laughlin	SB 617-Eigel
SB 599-O’Laughlin	SB 618-Bernskoetter
SB 600-O’Laughlin	SB 619-Bernskoetter
SB 601-O’Laughlin	SB 620-Bernskoetter
SB 602-O’Laughlin	SB 621-Bernskoetter
SB 603-Koenig	SB 622-Bernskoetter
SB 604-Koenig	SB 623-Hough
SB 605-Koenig	SB 624-Hough
SB 606-Burlison	SB 625-Hough
SB 607-Williams	SB 626-Hough
SB 608-Razer	SB 627-Hough
SB 609-Razer	SB 628-Brattin
SB 610-May	SB 629-Hoskins
SB 611-May	SB 630-Hoskins
SB 612-May	SJR 28-Hegeman
SB 613-Crawford	SJR 29-Burlison

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HCS for HB 334
HCS for HB 350	HB 345-DeGroot
HB 153-Rone	HCS for HB 527
HCS for HB 574	HCS for HB 349
HB 476-Grier	HCS for HB 548
HCS for HB 271	HB 139-Hudson
HCS for HB 362	HB 670-Houx
HCS for HB 59	HB 657-Trent
HCS for HBs 547 & 752	

THIRD READING OF SENATE BILLS

SS for SCS for SB 152-Hoskins (In Fiscal Oversight)	SS for SCS for SB 43-White (In Fiscal Oversight)
SB 330-Burlison	

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------------|------------------------------------|
| 1. SB 24-Eigel | 29. SB 327-Koenig |
| 2. SB 47-Hough | 30. SB 289-Brown, with SCS |
| 3. SB 86-Hegeman | 31. SB 176-Hough |
| 4. SB 100-Koenig, with SCS | 32. SB 46-Hough |
| 5. SB 258-White | 33. SB 3-Hegeman |
| 6. SB 63-Rehder | 34. SB 212-White |
| 7. SB 262-Schatz, with SCS | 35. SB 5-Wieland, with SCS |
| 8. SBs 53 & 60-Luetkemeyer, with SCS | 36. SB 36-Bernskoetter |
| 9. SB 179-Luetkemeyer | 37. SB 57-May, with SCS |
| 10. SB 128-Brown | 38. SB 354-Hoskins, with SCS |
| 11. SB 6-Wieland | 39. SB 126-Brown, with SCS |
| 12. SB 106-Crawford, with SCS | 40. SB 287-Crawford |
| 13. SB 4-Wieland, with SCS | 41. SB 282-Hegeman, with SCS |
| 14. SB 9-Riddle | 42. SB 202-Cierpiot, with SCS |
| 15. SBs 153 & 97-Koenig, with SCS | 43. SB 44-White |
| 16. SB 91-Riddle, with SCS | 44. SB 71-Gannon, with SCS |
| 17. SB 283-Hoskins | 45. SB 254-Riddle, with SCS |
| 18. SB 119-Burlison, with SCS | 46. SB 94-Onder |
| 19. SB 149-Onder | 47. SB 206-Arthur |
| 20. SJR 2-Onder, with SCS | 48. SB 138-Brattin, with SCS |
| 21. SB 137-Brattin | 49. SB 78-Beck |
| 22. SB 108-Cierpiot, with SCS | 50. SB 74-Bean, with SCS |
| 23. SB 141-Bean | 51. SB 343-Brown |
| 24. SB 163-Cierpiot | 52. SB 95-Onder, with SCS |
| 25. SB 40-Burlison, with SCS | 53. SB 30-Cierpiot |
| 26. SB 301-Bernskoetter, with SCS | 54. SB 134-O'Laughlin and Cierpiot |
| 27. SB 333-Burlison | 55. SB 98-Hoskins, with SCS |
| 28. SB 120-White, with SCS | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 64-Rehder

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|---------------------------------|
| SB 1-Hegeman | SB 10-Schatz, with SS (pending) |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 11-Schatz |

SBs 12, 20, 21, 31, 56, 67 & 68-Onder, with SCS,
SS for SCS & SA 5 (pending)

SB 123-Hough, with SS & SA 2 (pending)

SBs 55, 23 & 25-O’Laughlin, et al, with SCS &
SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

SB 226-Koenig

SB 377-Eslinger

RESOLUTIONS

Reported from Committee

SCR 3-Roberts and Moon, with SCS

SCR 7-Hegeman

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—MONDAY, MARCH 8, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Is not the Lord among us?” (Micah 3:11b)

Almighty God, it is another beautiful day for our drive here to do the work You have given us. And the wonders about us tell us You are present and a force gently moving us to do that which is most needful and helpful as we gather together this week. May our actions and words bring about the bills required for us to provide the results You desire. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 4, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Eigel offered Senate Resolution No. 144, regarding Chase Frauenhoffer, Saint Peters, which

was adopted.

Senator Eigel offered Senate Resolution No. 145, regarding John Fraenhoffer, Saint Peters, which was adopted.

Senator Onder offered Senate Resolution No. 146, regarding Zayda Kendig, Wentzville, which was adopted.

Senator Riddle offered Senate Resolution No. 147, regarding Deborah J. Hill-Haag, Mexico, which was adopted.

Senator Riddle offered Senate Resolution No. 148, regarding the Two Hundredth Anniversary of the City of Moscow Mills, which was adopted.

CONCURRENT RESOLUTIONS

Senator May offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

Whereas, the United States economy is today plagued by a growing gap between the rich and the non-rich; by a global recession and credit crisis; by debilitating waste and under-employment of human talent; by inadequate growth alongside shackled technological potential; by record-level trade and governmental budget deficits; and by an estimated “hidden debt” of fifty-six trillion dollars, or four hundred eighty-three thousand dollars per household, in future Social Security and Medicare entitlements, added to historically high federal debt being imposed on young Americans and generations not yet born; and

Whereas, the sustainable growth and energy self-sufficiency of the American economy in the twenty-first century will require trillions of dollars each year of new and improved, life-enhancing technology, rentable space and physical infrastructure; and

Whereas, the Joint Economic Committee of Congress, as early as 1977, has declared broad-based ownership of new capital as an effective strategy for raising national productivity; and

Whereas, the national goals of equal economic opportunity and widespread capital ownership have been blocked by artificial barriers erected in monetary, tax, and inheritance policies; and

Whereas, this policy objective has been frustrated by the systemic concentration of economic power and exclusionary access to future capital credit to the advantage of the wealthiest Americans; and

Whereas, the Federal Reserve System has stifled the growth of America’s productive capacity through its monetary policy, by monetizing public-sector growth and mounting federal deficits and bailouts of mortgage loan sharks and their Wall Street syndicators; by favoring speculation over investment; by shortchanging the capital credit needs of entrepreneurs, inventors, farmers and workers; by increasing the dependency of families by burdening them with usurious consumer credit; and by perpetuating unjust capital credit and ownership barriers between rich Americans and those without savings; and

Whereas, there is a fundamental difference between asset-backed credit for productive uses and debt-backed credit for non-productive uses, consumption, or speculation; the first being critical for stimulating private sector investment, savings, and the supply of new marketable wealth, and the second being used to give people more inflated dollars to chase the same supply of existing wealth; and

Whereas, the Federal Reserve Board is now empowered under section 13, paragraph 2 of the Federal Reserve Act to reform monetary policy to discourage non-productive and speculative uses of credit, to encourage accelerated rates of private sector growth, and to promote widespread individual access to productive credit as a fundamental right of citizenship:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on the U.S. Congress to enact the proposed Economic Democracy Act as a national “just free market” policy to foster life-long capital ownership self-sufficiency as a fundamental right of citizenship and as a means to achieve true economic independence for all citizens; and

Be It Further Resolved that the Act would amend the Federal Reserve Act (1) to require the Federal Reserve Board to stop monetizing government debt through its buying and selling of U.S. Treasury securities, (2) to begin re-activating its discount mechanism through its twelve regional Federal Reserve Banks to encourage sustainable, non-inflationary private sector growth linked to lifetime equal capital ownership opportunities for every American, and (3) for each regional Federal Reserve bank to provide an equal ownership share to the permanent residents they serve; and

Be It Further Resolved that the Act would simplify today’s complex and inequitable tax system by substituting a single-rate tax on non-exempt personal incomes from all sources above a living income exemption, while:

1. Paying from general revenues all entitlements, welfare supports, and other government spending at present levels, while fulfilling all current Social Security and Medicare obligations;
2. Eliminating the payroll tax on workers and employers;
3. Taxing the individual recipient of all gifts and inheritances above a determined level to encourage extremely wealthy citizens to spread out their wealth or estates among many citizens;
4. Making dividend payouts deductible to corporations, to promote one hundred percent distributions to shareholders and accelerate citizen capital loan repayments; and
5. Balancing the budget and paying off federal government debt as quickly as possible; and

Be It Further Resolved that the General Assembly petitions the Federal Reserve Board to adopt a two-tiered money-creation and credit policy that sharply distinguishes between ownership-expanding productive credit, and ownership-concentrating, nonproductive and speculative uses of credit. The upper tier, reflecting the higher market costs of borrowing “old money” from existing domestic and foreign savings pools and existing assets, should continue to be maintained as a source of market-rate credit to public-sector borrowers, consumers, speculators, and for all other nonproductive purposes. The Federal Reserve discount rate for the lower tier should be reduced to no higher than one-half percent as a one-time “service fee” for creating interest-free capital credit and money backed by broadly owned capital assets. This new reservoir of Federal Reserve monetized capital credit should be reserved exclusively for capital credit borrowers through Federal Reserve regulated commercial and cooperative banks. Citizens’ tax-sheltered “Capital Ownership Accounts”, similar to Individual Retirement Accounts, or “IRAs”, would receive insured capital credit at reasonable bank service charges covering capital credit insurance premiums. Such expanded bank credit should not be subsidized by the taxpayers, and should be backed and collateralized by the newly acquired assets and private sector credit insurance to cover the risk of default. Such ownership-broadening capital credit borrowed through local commercial and cooperative banks could be invested in “qualified” securities such as newly issued, full-dividend payout, full voting shares in a company for which a member of the citizen’s household works; companies in which the citizen’s household has a monthly billing account; Employee Stock Ownership Plans; and Homeowners Equity Corporations for turning renters into owners; production and marketing cooperatives and partnerships; family-owned and -operated businesses and farms; and mature companies with a history of solid earnings. In order to finance new infrastructure and land development, Citizens Land Development Cooperatives could receive fed-monetized capital credit through local commercial and cooperative banks on behalf of every permanent resident in their jurisdictions. Every child, woman, and man in the area covered by a CLDC would receive a free, full dividend-payout, full voting, non-transferable share, entitling them to an equal share of leasing profits and voting control in the CLDC; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, each member of the Missouri Congressional delegation, and the Board of Governors of the Federal Reserve System.

SENATE BILLS FOR PERFECTION

Senator Eigel moved that **SB 24** be taken up for perfection, which motion prevailed.

Senator Eigel offered **SS** for **SB 24**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 24

An Act to repeal sections 94.902, 137.115, 137.280, 143.121, and 144.757, RSMo, and to enact in lieu thereof eight new sections relating to taxation, with an emergency clause for a certain section.

Senator Eigel moved that **SS** for **SB 24** be adopted.

Senator Crawford assumed the Chair.

Senator May offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 24, Page 7, Section 94.902, Line 197, by inserting after all of said line the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the

following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, [improper subdivision or obsolete platting,] or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, [morals,] or welfare in its present condition and use, **and, for areas located in a city not within a county which are located in a census tract that is defined as a low-income community under 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone under 26 U.S.C. Section 1400Z-1;**

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, [morals,] or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) “Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

- (a) Discourage commerce, industry or manufacturing from moving their operations to another state; or
- (b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) “Gambling establishment”, an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) “Greenfield area”, any vacant, unimproved, or agricultural property that is located wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded by contiguous properties with agricultural zoning classifications or uses unless said property was annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the ordinance approving the redevelopment plan for such greenfield area;

(8) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, municipality applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(9) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(10) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(11) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(12) “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

(13) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

(14) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description

of the area selected for the redevelopment project;

(15) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to:

a. Acquisition of land and other property, real or personal, or rights or interests therein;

b. Demolition of buildings; and

c. The clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district’s capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(16) “Special allocation fund”, the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

(17) “Taxing districts”, any political subdivision of this state having the power to levy taxes;

(18) “Taxing districts’ capital costs”, those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

(19) “Vacant land”, any parcel or combination of parcels of real property not used for industrial,

commercial, or residential buildings.

99.821. Notwithstanding any provision of sections 99.800 to 99.865 to the contrary, redevelopment plans approved or amended after December 31, 2021, by a city not within a county may provide for the deposit of up to ten percent of the tax increment financing revenues generated pursuant to section 99.845 into a strategic infrastructure for economic growth fund established by such city in lieu of deposit into the special allocation fund. Moneys deposited into the strategic infrastructure for economic growth fund pursuant to this section may be expended by the city establishing such fund for the purpose of funding capital investments in public infrastructure that the governing body of such city has determined to be in a census tract that is defined as a low-income community under 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone under 26 U.S.C. Section 1400Z-1.”; and

Further amend said bill, page 43, section 620.3210, line 223, by inserting after all of said line the following:

“650.550. 1. There is hereby created in the state treasury the “Economic Distress Zone Fund”, which shall consist of money appropriated under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety to provide funding to organizations registered with the United States Internal Revenue Service as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure for the purpose of deterring criminal behavior in such areas. Any moneys appropriated and any other moneys made available by gift, grant, bequest, contribution, or otherwise to carry out the purpose of this section, and all interest earned on, and income generated from, moneys in the fund shall be paid to, and deposited in, the economic distress zone fund.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys appropriated to the fund over three million dollars, excluding any moneys made available by gift, grant, bequest, contribution, or otherwise, that remain in the fund at the end of the biennium shall revert to the credit of the general revenue fund.

3. The department of public safety shall promulgate rules to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

4. As used in this section, “areas of high incidents of crime and deteriorating infrastructure” shall mean a city with a homicide rate of at least seven times the national average according to the Federal Bureau of Investigation’s Uniform Crime Reporting System; a poverty rate that exceeds twenty percent according to the United States Census Bureau; and has a school district with at least eighty percent of students who qualify for free or reduced lunch.

5. The provisions of this section shall terminate on August 28, 2024.

650.555. 1. There is hereby created in the state treasury the “988 Public Safety Fund”, which shall consist of money appropriated under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety to provide funding to employee assistance programs established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees of a law enforcement agency or emergency services provider. Any moneys appropriated and any other moneys made available by gift, grant, bequest, contribution, or otherwise to carry out the purpose of this section, and all interest earned on, and income generated from, moneys in the fund shall be paid to, and deposited in, the 988 public safety fund.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys appropriated to the fund over one million dollars, excluding any moneys made available any gift, grant, bequest, contribution, or otherwise, that remain in the fund at the end of the biennium shall revert to the credit of the general revenue fund.

3. The department of public safety shall promulgate rules to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 24, Page 1, Section A, Line 5, by inserting after all of said line the following:

“67.990. 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993 and, **if in a county**, only in accordance with the fund budget approved by the county [or city] governing body.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall _____ (name of county/city) levy a tax of _____ cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?

☐ YES

☐ NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of the county or city not within a county, the tax so approved shall be imposed upon all taxable property within the county or city and the proceeds therefrom shall be deposited in a special fund, to be known as the “Senior Citizens’ Services Fund”, which is hereby established within the county or city treasury. No moneys in the senior citizens’ services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.

2. Upon approval of the tax authorized by section 67.990 by the voters of the county or city, the governing body of the county or the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the county or city at large and shall, as nearly as practicable, represent the various groups to be served by the board. Each director shall be a resident of the county or city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the governing body of the county or mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the senior citizens’ services fund.

3. The administrative control and management of the funds in the senior citizens’ services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section[:], except [that], **in counties**, the budget for the senior citizens’ services fund shall be approved by the governing body of the county [or city] prior to making of any payments from the fund in any fiscal year. The board of directors shall use the funds in the senior citizens’ services fund to provide programs which will improve the health, nutrition, and quality of life of persons who are sixty years of age or older. The budget may allocate funds for operational and capital needs to senior-related programs in the county or city in which such property taxes are collected. No funds in the senior citizens’ services fund may be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating, in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 67.990.

4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A majority of the board of directors shall constitute a quorum.

5. The board of directors, with the approval of the governing body of the county or city, may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and funded under sections 67.990 to 67.995[,] and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange are used exclusively to fund such programs. **For a city not within a county, the board of directors may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.”; and**

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 24, Page 1, Section A, Line 5, by inserting after all of said line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. (1) Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

(2) **In addition to any local sales tax imposed or authorized under the local sales tax law as of January 1, 2022, any taxing jurisdiction may impose one or more sales taxes on all retail sales made in such taxing jurisdiction which are subject to taxation under the provisions of chapter 144 for any purpose designated by the taxing jurisdiction in its ballot of submission to its voters; provided, however, that no sales tax shall be effective unless the governing body of the taxing jurisdiction submits to the voters of the taxing jurisdiction, at a state general election, a proposal to authorize the taxing jurisdiction to impose a tax under the provisions of this subsection. The taxes authorized by this subsection shall be in addition to any and all other sales taxes allowed by law.**

(3) The ballot of submission shall contain, but need not be limited to, the following language:

**Shall (taxing jurisdiction's name) impose a sales tax at the rate of
(insert amount) for the purpose of (insert purpose)?**

☐ **YES**

☐ **NO**

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the taxing jurisdiction shall have no power to impose the sales tax authorized by this subsection unless and until the governing body of the taxing jurisdiction shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of this subsection and such proposal is approved by a majority of the qualified voters voting thereon.

(4) Sales taxes imposed or authorized under the local sales tax law as of January 1, 2022, and under the provisions of this subsection shall not exceed the following amounts:

(a) For local sales taxes imposed and retained by a taxing entity that is incorporated as a city, town, or village, the total combined rate shall not exceed five percent;

(b) For local sales taxes imposed and retained by a county, excluding cities not within a county, the total combined rate shall not exceed five percent;

(c) For local sales taxes imposed and retained by all taxing jurisdictions other than those described in paragraphs (a) and (b) of this subdivision, the total combined rate of sales taxes in any given taxing jurisdiction shall not exceed three and one-fourth percent. For the purposes of this paragraph, local sales taxes imposed by taxing entities described in paragraphs (a) and (b) of this subdivision in a given taxing jurisdiction shall not be included in the calculation of the total combined rate of sales taxes under this paragraph.

(5) For the purposes of subdivision (4) of this subsection, no transient guest tax or convention and tourism tax, including sections 92.325 to 92.340, shall be considered a local sales tax under the local sales tax law.

(6) (a) In any election in which more than one sales tax levy is approved by the voters, and the passage of such levies results in a combined rate of sales tax in excess of the limits provided for under subdivision (4) of this subsection, only the sales tax levy receiving the most votes shall become effective, provided such levy does not result in a combined rate of sales tax in excess of the limits provided for under subdivision (4) of this subsection.

(b) No taxing jurisdiction with a combined rate of sales tax in excess of the rates provided in subdivision (4) of this subsection as of August 28, 2021, shall be required to reduce or repeal any such sales tax rate.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax

upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2022, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the _____ (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?,,,

Approval of this measure will result in a reduction of local revenue to provide for vital services for _____ (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2022, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2022, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by

fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2023.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November 2022, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November 2022, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the _____ (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for _____ (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed

on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or

employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax

law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted.

President Kehoe assumed the Chair.

Senator Koenig offered **SA 1** to **SA 3**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 24, Page 3, Section 32.087, Line 71, by striking “five” and inserting in lieu thereof the following: **“four and one-half”**; and further amend line 75 by striking “five” and inserting in lieu thereof the following: **“four and one-half”**; and further amend said line by inserting after all of said line the following:

“(c) For local sales taxes imposed and retained by a city not within a county, the total combined rate shall not exceed nine percent;”; and

Further amend line 78 by striking “and (b)” and inserting in lieu thereof the following: **“to (c)”**; and further amend line 80 by striking “and one-fourth”; and further amend lines 82-83 by striking “and (b)” and inserting in lieu thereof the following: **“to (c)”**; and

Further renumber the remaining paragraph accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Hough moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Eigel moved that **SS** for **SB 24**, as amended, be adopted, which motion failed.

At the request of Senator Eigel, **SB 24** was placed on the Informal Calendar.

At the request of Senator Hough, **SB 47**, was placed on the Informal Calendar.

Senator Hegeman moved that **SB 86** be taken up for perfection, which motion prevailed.

On motion of Senator Hegeman, **SB 86** was declared perfected and ordered printed.

At the request of Senator Koenig, **SB 100**, with **SCS**, was placed on the Informal Calendar.

Senator White moved that **SB 258** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 258**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 258

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to classification of Missouri National Guard members.

Senator White moved that **SS** for **SB 258** be adopted, which motion prevailed.

On motion of Senator White, **SS** for **SB 258** was declared perfected and ordered printed.

Senator Eigel moved that **SB 24** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Eigel offered **SS No. 2** for **SB 24**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 24

An Act to repeal sections 32.087, 67.990, 67.993, 94.902, 99.805, 137.115, 137.280, 143.121, and 144.757, RSMo, and to enact in lieu thereof fifteen new sections relating to taxation, with an emergency clause for a certain section.

Senator Eigel moved that **SS No. 2** for **SB 24** be adopted.

Senator Bernskoetter assumed the Chair.

Senator Hough offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 24, Page 17, Section 67.993, Line 74, by inserting after all of said line the following:

“67.1790. 1. The governing body of any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, or any city within such county, may impose by order or ordinance a sales tax on all retail sales made within the county or city that are subject to sales tax under chapter 144 for the purpose of funding early childhood education programs in the county or city. The tax shall not exceed one-quarter of one percent and shall be imposed solely for the purpose of funding early childhood education programs in the county or city. The tax authorized in this section shall be in addition to all other sales taxes imposed by law and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the county or city submits to the voters residing within the county or city, on a general election day as described in section 115.121, a proposal to authorize the governing body of the county or city to impose a tax under this section.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

Shall _____ (name of county/city) impose a (countywide/citywide) sales tax at a rate of _____ (insert percentage) percent for the purpose of funding early childhood education in the (county/city)?

☐ YES☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the county or city shall not impose the sales tax authorized under this section unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county or city that imposed the tax shall enter into an agreement with the director of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. All revenue collected under this section by the director of revenue on behalf of any county or city, less one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Early Childhood Education Sales Tax Trust Fund" and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county or city for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such county or city. Any funds in the special trust fund that are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county or city may authorize the use of a bracket system similar to that authorized under section 144.285, and, notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county or city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.527 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.527 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.527 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit, exemption certificate, or retail certificate shall be required, except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section

32.057 and sections 144.010 to 144.527 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.527.

6. The governing body of any county or city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters at a general election as described in section 115.121. The ballot of submission shall be in substantially the following form:

Shall _____ (name of county/city) repeal the sales tax imposed at a rate of _____ (insert percentage) percent for the purpose of funding early childhood education in the (county/city)?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and is approved by a majority of the qualified voters voting thereon.

7. If the governing body of any county or city that has adopted the sales tax authorized in this section receives a petition signed by at least ten percent of the registered voters of the county or city voting in the last gubernatorial election calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county or city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes; the county or city shall notify the director of revenue of the action at least thirty days before the effective date of the repeal; and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed from the effective date of abolition of the tax in such county or city, the director shall remit the balance in the account to the county or city and close the account of that county or city. The director shall notify each county or city of each instance of any amount refunded or any check redeemed from receipts due the county or city.

9. The governing body of each county or city imposing the tax authorized under this section shall select an existing community task force to administer the revenue from the tax received by the county or city. Such revenue shall be expended only upon approval of an existing community task force selected by the governing body of the county or city to administer the funds and only in accordance

with a budget approved by the county or city governing body.

10. The governing body of any city or county authorized to levy a sales tax pursuant to this section shall include information on the city's or county's website on the tax rate and the purposes for which the tax is levied.

94.842. 1. The governing body of any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall not be more than two and one-half percent per occupied room per night. Such tax shall only become effective if the governing body of the city submits a proposal to the voters of the city at a general election day, as described in section 115.121, that authorizes the governing body of the city to impose a tax under the provisions of this section and the voters approve such proposal. The tax authorized under this section shall be in addition to the charge for a sleeping room and shall be in addition to any and all taxes imposed by law. The revenue of such tax shall be used solely for capital improvements that can be demonstrated to increase the number of overnight visitors. Such tax shall be stated separately from all other charges and taxes.

2. The proposal shall be submitted in substantially the following form:

Shall the City of _____ levy a tax of _____ percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the city, whose revenue shall be dedicated to capital improvements to increase tourism?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election is held. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, the governing body for the city shall have no power to impose the tax authorized by this section unless and until the governing body of the city again submits the proposal to the qualified voters of the city and such proposal is approved by a majority of the qualified voters voting thereon.

3. After the approval of a proposal but before the effective date of a tax authorized under this section, the city shall adopt one of the following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue for the purpose of collecting the tax authorized under this section. If a city enters into an agreement with the director of revenue for the collection of the tax authorized in this section, the director shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized under this section. The tax authorized under this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue may retain up to one percent for cost of collection.

4. The city shall post on the official city website information about the tax including, but not limited to, the rate imposed and the capital improvements for which the revenue has been or will be used.

5. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel, motel, or tourist court for less than thirty-one consecutive days.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 24, Page 32, Section 137.115, Line 13, by striking “follows:” and inserting in lieu thereof the follows: “**provided in subdivision (2) to (4) of this subsection.**”.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Eigel moved that **SS No. 2** for **SB 24**, as amended, be adopted, which motion prevailed.

Senator Eigel moved that **SS No. 2** for **SB 24**, as amended, be declared perfected and ordered printed, which motion failed on a standing division vote.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873 & 1097**, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security benefits, with an emergency clause.

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 63**, entitled:

An Act to repeal section 311.020, RSMo, and to enact in lieu thereof one new section relating to intoxicating liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 357**, entitled:

An Act to repeal section 196.298, RSMo, and to enact in lieu thereof one new section relating to cottage food production operations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 784**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto two new sections relating to marshals of the general assembly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 52**, entitled:

An Act to repeal sections 70.441, 571.107, 577.703, and 577.712, RSMo, and to enact in lieu thereof four new sections relating to firearms on public transportation systems, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 578**, entitled:

An Act to repeal section 301.147, RSMo, and to enact in lieu thereof one new section relating to biennial motor vehicle registrations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 86** and **SS** for **SB 258**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY—TUESDAY, MARCH 9, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 579-Rehder	SB 606-Burlison
SB 580-Rehder	SB 607-Williams
SB 581-Eslinger	SB 608-Razer
SB 582-Eslinger	SB 609-Razer
SB 583-Eslinger	SB 610-May
SB 584-Eslinger	SB 611-May
SB 585-Eslinger	SB 612-May
SB 586-Brattin	SB 613-Crawford
SB 587-Brattin	SB 614-Crawford
SB 588-Brattin	SB 615-Eigel
SB 589-Brattin	SB 616-Eigel
SB 590-Brattin	SB 617-Eigel
SB 591-Roberts	SB 618-Bernskoetter
SB 592-Roberts	SB 619-Bernskoetter
SB 593-Roberts	SB 620-Bernskoetter
SB 594-Moon	SB 621-Bernskoetter
SB 595-Moon	SB 622-Bernskoetter
SB 596-Moon	SB 623-Hough
SB 597-Moon	SB 624-Hough
SB 598-O'Laughlin	SB 625-Hough
SB 599-O'Laughlin	SB 626-Hough
SB 600-O'Laughlin	SB 627-Hough
SB 601-O'Laughlin	SB 628-Brattin
SB 602-O'Laughlin	SB 629-Hoskins
SB 603-Koenig	SB 630-Hoskins
SB 604-Koenig	SJR 28-Hegeman
SB 605-Koenig	SJR 29-Burlison

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310

HCS for HB 350

HB 153-Rone	HCS for HB 548
HCS for HB 574	HB 139-Hudson
HB 476-Grier	HB 670-Houx
HCS for HB 271	HB 657-Trent
HCS for HB 362	HCS for HBs 1083, 1085, 1050, 1035,
HCS for HB 59	1036, 873 & 1097
HCS for HBs 547 & 752	HB 63-Pike
HCS for HB 334	HCS for HB 357
HB 345-DeGroot	HCS for HB 784
HCS for HB 527	HB 52-Schnelting
HCS for HB 349	HB 578-Bromley

THIRD READING OF SENATE BILLS

SS for SCS for SB 152-Hoskins (In Fiscal Oversight)	SB 86-Hegeman
SB 330-Burlison	SS for SB 258-White
SS for SCS for SB 43-White (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

1. SB 63-Rehder	18. SB 141-Bean
2. SB 262-Schatz, with SCS	19. SB 163-Cierpiot
3. SBs 53 & 60-Luetkemeyer, with SCS	20. SB 40-Burlison, with SCS
4. SB 179-Luetkemeyer	21. SB 301-Bernskoetter, with SCS
5. SB 128-Brown	22. SB 333-Burlison
6. SB 6-Wieland	23. SB 120-White, with SCS
7. SB 106-Crawford, with SCS	24. SB 327-Koenig
8. SB 4-Wieland, with SCS	25. SB 289-Brown, with SCS
9. SB 9-Riddle	26. SB 176-Hough
10. SBs 153 & 97-Koenig, with SCS	27. SB 46-Hough
11. SB 91-Riddle, with SCS	28. SB 3-Hegeman
12. SB 283-Hoskins	29. SB 212-White
13. SB 119-Burlison, with SCS	30. SB 5-Wieland, with SCS
14. SB 149-Onder	31. SB 36-Bernskoetter
15. SJR 2-Onder, with SCS	32. SB 57-May, with SCS
16. SB 137-Brattin	33. SB 354-Hoskins, with SCS
17. SB 108-Cierpiot, with SCS	34. SB 126-Brown, with SCS

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| 35. SB 287-Crawford | 43. SB 138-Brattin, with SCS |
| 36. SB 282-Hegeman, with SCS | 44. SB 78-Beck |
| 37. SB 202-Cierpiot, with SCS | 45. SB 74-Bean, with SCS |
| 38. SB 44-White | 46. SB 343-Brown |
| 39. SB 71-Gannon, with SCS | 47. SB 95-Onder, with SCS |
| 40. SB 254-Riddle, with SCS | 48. SB 30-Cierpiot |
| 41. SB 94-Onder | 49. SB 134-O'Laughlin and Cierpiot |
| 42. SB 206-Arthur | 50. SB 98-Hoskins, with SCS |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 64-Rehder

SENATE BILLS FOR PERFECTION

SB 1-Hegeman	SB 47-Hough
SB 7-Riddle, with SS & SA 1 (pending)	SBs 55, 23 & 25-O'Laughlin, et al, with
SB 10-Schatz, with SS (pending)	SCS & SS for SCS (pending)
SB 11-Schatz	SB 100-Koenig, with SCS
SBs 12, 20, 21, 31, 56, 67 & 68-Onder,	SB 123-Hough, with SS & SA 2 (pending)
with SCS, SS for SCS & SA 5	
(pending)	

CONSENT CALENDAR

	Senate Bills
SB 226-Koenig	SB 377-Eslinger

RESOLUTIONS

Reported from Committee

SCR 3-Roberts and Moon, with SCS	SCR 7-Hegeman
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To be Referred

SCR 18-May

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY—TUESDAY, MARCH 9, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Death and life are in the power of the tongue.” (Proverbs 18:21)

Heavenly Father, we give You thanks for this time to share ideas, assist one another and improve bills before us. Our words have a great importance and provide power for those to whom we address our concerns and efforts. We pray that You will guide our tongues for we know it has the power to change one’s life simply by the words we speak. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Onder offered Senate Resolution No. 149, regarding Elijah Bale, St. Peters, which was adopted.

Senator Roberts offered Senate Resolution No. 150, regarding the One Hundred Seventy-fifth Anniversary of Central Baptist Church, St. Louis, which was adopted.

Senator Rehder offered Senate Resolution No. 151, regarding Kaitlynn Marie Masterson, New Madrid, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 152, regarding Paul Brunner, St. Joseph, which was adopted.

Senator Rehder offered Senate Resolution No. 153, regarding David Mitchell Johnson, Sikeston, which was adopted.

Senator Rehder offered Senate Resolution No. 154, regarding Tyler Stokes, Sikeston, which was adopted.

CONCURRENT RESOLUTIONS

Senator Eigel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 19

Whereas, the citizens of Missouri have been asked to send more of their hard-earned money to the State and local governments than ever before in Missouri's history; and

Whereas, the citizens of Missouri are better stewards of their money than any elected official; and

Whereas, property tax assessments have increased year over year in Missouri; and

Whereas, many states exempt all or some personal property from taxation, putting Missouri at a disadvantage; and

Whereas, eliminating the personal property tax would be the largest tax cut in Missouri history; and

Whereas, the Missouri Constitution reserves to the people the right to govern themselves through the initiative petition:

Now, Therefore Be It Resolved that the members of the Missouri Senate, One Hundred and First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the people to submit an initiative petition to eliminate the personal property tax in Missouri;

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Secretary of State.

SENATE BILLS FOR PERFECTION

At the request of Senator Rehder, **SB 63** was placed on the Informal Calendar.

SB 262, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Luetkemeyer, **SB 53** and **SB 60**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Luetkemeyer, **SB 179** was placed on the Informal Calendar.

Senator Brown moved that **SB 128** be taken up for perfection, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 128, Page 1, In the Title, Line 3, by inserting after "fund" the following: ", with an emergency clause for certain sections"; and

Further amend said bill, page 2, section 217.195, line 34, by inserting after all of said line the following:

“217.199. 1. As used in this section, the following terms mean:

(1) “Appropriate quantity”, an amount per day capable of satisfying the individual need of the offender if used for the feminine hygiene product’s intended purpose;

(2) “Feminine hygiene products”, tampons and sanitary napkins.

2. The director shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center of the department. The director shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly may appropriate funds to assist the director in satisfying the requirements of this section.

221.065. 1. As used in this section, the following terms mean:

(1) “Appropriate quantity”, an amount of feminine hygiene products per day capable of satisfying the individual need of the offender if used for the feminine hygiene product’s intended purpose;

(2) “Feminine hygiene products”, tampons and sanitary napkins.

2. Every sheriff and jailer who holds a person in custody pursuant to a writ or process or for a criminal offense shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female persons while in custody. The sheriff or jailer shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly shall appropriate funds to assist sheriffs and jailers in satisfying the requirements of this section.

Section B. Because immediate action is necessary to ensure women incarcerated or held in custody are able to address their basic health needs, the enactment of sections 217.199 and 221.065 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 217.199 and 221.065 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SB 128**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SB 128**, as amended, was declared perfected and ordered printed.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

REFERRALS

President Pro Tem Schatz referred **SCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Wieland moved that **SB 6** be taken up for perfection, which motion prevailed.

Senator Wieland offered **SS** for **SB 6**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 6**

An Act to repeal sections 319.131, 375.246, and 379.120, RSMo, and to enact in lieu thereof thirteen new sections relating to insurance.

Senator Wieland moved that **SS** for **SB 6** be adopted, which motion prevailed.

On motion of Senator Wieland, **SS** for **SB 6** was declared perfected and ordered printed.

Senator Crawford moved that **SB 106**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 106**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106**

An Act to repeal sections 361.097, 362.044, 362.247, 362.250, and 369.049, RSMo, and to enact in lieu thereof seven new sections relating to financial institutions.

Was taken up.

Senator Crawford moved that **SCS** for **SB 106** be adopted.

Senator Crawford offered **SS** for **SCS** for **SB 106**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106**

An Act to repeal sections 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 365.100, 365.140, 367.150, 369.049, 400.3-309, 408.035, 408.100, 408.140, 408.178, 408.233, 408.234, 408.250, 408.553, and 408.554, RSMo, and to enact in lieu thereof twenty-six new sections relating to financial institutions.

Senator Crawford moved that **SS** for **SCS** for **SB 106** be adopted, which motion prevailed.

On motion of Senator Crawford, **SS** for **SCS** for **SB 106** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SB 128, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Schatz moved that **SB 262**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 262**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to repeal section 142.803, RSMo, and to enact in lieu thereof two new sections relating to the taxation of motor fuels.

Was taken up.

Senator Schatz moved that **SCS** for **SB 262** be adopted.

Senator Schatz offered **SS** for **SCS** for **SB 262**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to repeal sections 142.803, 142.824, and 142.869, RSMo, and to enact in lieu thereof five new sections relating to transportation funding.

Senator Schatz moved that **SS** for **SCS** for **SB 262** be adopted.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Moon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 262, Page 1, In the Title, Line 4, by striking “transportation funding” and inserting in lieu thereof the following: “taxation, with an emergency clause for certain sections”; and

Further amend said bill, Page 16, Section 142.1000, Line 112, by inserting after all of said line the following:

“144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, except amounts paid for any instructional class;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) (a) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(b) If local and long distance telecommunications services subject to tax under this subdivision are aggregated with and not separately stated from charges for telecommunications service or other services not subject to tax under this subdivision, including, but not limited to, interstate or international telecommunications services, then the charges for nontaxable services may be subject to taxation unless the telecommunications provider can identify by reasonable and verifiable standards such portion of the charges not subject to such tax from its books and records that are kept in the regular course of business, including, but not limited to, financial statement, general ledgers, invoice and billing systems and reports, and reports for regulatory tariffs and other regulatory matters;

(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;

(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to:

(a) Any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity; **or**

(b) The amount of sales or charges for the rental of any rooms not used for overnight accommodation for transient guests.

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax under chapter 144, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax under chapter 144, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within ten years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has

been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:

(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or

(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized under chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms “customer”, “home service provider”, “place of primary use”, “electronic database”, and “enhanced zip code” shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer’s place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer’s notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer’s correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider’s sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied under chapter 144 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if the refund claim is filed by a purchaser under the provisions of subsection 4 of this section, the refund claim is for use tax remitted by the purchaser, or an additional refund claim is filed by a person legally obligated to remit the tax due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of

receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term “letter ruling” means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax under chapter 144 against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.

11. Notwithstanding any provision of law to the contrary, the department of revenue shall allow refund claims until July 1, 2026, from businesses and individuals that paid sales and use tax assessments as a result of an audit by the department of revenue between August 28, 2005, and August 28, 2015, when the department expanded its interpretation of taxable items and the taxpayer did not collect the tax from the taxpayer’s customers. The refund shall be allowed in an amount equal to the amount actually paid on such assessment by the taxpayer, plus interest calculated using the Applicable Federal Rates as published by the Internal Revenue Service under 26 U.S.C. Section 274. The total amount of refund claims paid under this subsection shall not exceed one hundred thousand dollars and shall be issued on a first-come, first-served basis. If the total amount of refund claims exceeds one hundred thousand dollars, the department shall request an appropriation from the general assembly in later fiscal years to satisfy such unpaid claims.

12. (1) Notwithstanding any provision of law to the contrary, and in addition to the refund claims allowed under subsection 11 of this section, the department of revenue shall allow refund claims until July 1, 2026, from businesses and individuals that offered wedding venues and that paid sales and use tax assessments relating to those wedding venues as a result of an audit by the department of revenue between January 1, 2018, and October 1, 2019. For the purposes of this subsection, the department shall allow refund claims from a taxpayer regardless of whether the taxpayer’s business has been sold. The refund shall be allowed in an amount equal to the amount that was actually paid by the taxpayer on the portion of the assessment that directly relates to the taxpayer’s wedding venue business, plus interest calculated using the Applicable Federal Rates as published by the Internal Revenue Service under 26 U.S.C. Section 1274. The total amount of refund claims paid under this subsection shall not exceed two hundred thousand dollars and shall be issued on a first-come, first-served basis. If the total amount of refund claims exceeds two hundred thousand dollars, the department shall request an appropriation from the general assembly in later fiscal years to satisfy such unpaid claims.

(2) Notwithstanding any provision of law to the contrary, in any action in which a taxpayer incurs attorney’s fees in a legal proceeding relating to a tax assessment or audit of the taxpayer’s wedding venue business, during the time period and as otherwise described under subdivision (1) of this subsection, the taxpayer shall be entitled to recover the full amount of such attorney’s fees.

Section B. Because of the importance of sales tax relief, the repeal and reenactment of sections 144.020 and 144.190 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 144.020 and 144.190 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator White raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

President Pro Tem Schatz referred the point of order to the Committee on Parliamentary Procedure.

At the request of Senator White, the point of order was withdrawn.

Senator Moon moved that **SA 1** be adopted, which motion prevailed.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

Senator Koenig offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 262, Page 3, Section 142.803, Line 75-83, by striking all of said lines; and

Further amend said bill and section, page 4, lines 84- 86, by striking all of said lines and inserting in lieu thereof the following:

“3. In addition to any tax collected under subdivision (1) of subsection 1 of this section, beginning on January first of the calendar year following the calendar year in which the total outstanding debt of the department of transportation is five hundred million dollars or less, a tax is levied and imposed on all motor fuel used or consumed in this state, subject to the exemption on tax liability set forth in section 142.822, at a rate of two cents per gallon. Such rate shall be increased by two cents annually beginning on January first of a calendar year until the rate of tax is ten cents per gallon and shall continue to be levied at ten cents per gallon for all years thereafter.”.

Senator Koenig moved that the above amendment be adopted.

President Kehoe assumed the Chair.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Schatz, **SB 262**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 106** and **SS** for **SB 6**, begs leave to report that it has examined the same and finds that

the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF GUESTS

Senator May introduced to the Senate, Pastor Chester and Lady Sherrisa McIntyre, Kansas City.

Senator Crawford introduced to the Senate, Avery Schiereck, El Dorado Springs.

Senator Eigel introduced to the Senate, Corey Malone, St. Charles; and Kellie Jones.

Senator Razer introduced to the Senate, Terri Barr.

Senator May introduced to the Senate, Denisha Taylor, St. Louis; and Jaray Jackson.

Senator Washington introduced to the Senate, Ayana Witherspoon.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY—WEDNESDAY, MARCH 10, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 579-Rehder	SB 593-Roberts
SB 580-Rehder	SB 594-Moon
SB 581-Eslinger	SB 595-Moon
SB 582-Eslinger	SB 596-Moon
SB 583-Eslinger	SB 597-Moon
SB 584-Eslinger	SB 598-O'Laughlin
SB 585-Eslinger	SB 599-O'Laughlin
SB 586-Brattin	SB 600-O'Laughlin
SB 587-Brattin	SB 601-O'Laughlin
SB 588-Brattin	SB 602-O'Laughlin
SB 589-Brattin	SB 603-Koenig
SB 590-Brattin	SB 604-Koenig
SB 591-Roberts	SB 605-Koenig
SB 592-Roberts	SB 606-Burlison

SB 607-Williams	SB 620-Bernskoetter
SB 608-Razer	SB 621-Bernskoetter
SB 609-Razer	SB 622-Bernskoetter
SB 610-May	SB 623-Hough
SB 611-May	SB 624-Hough
SB 612-May	SB 625-Hough
SB 613-Crawford	SB 626-Hough
SB 614-Crawford	SB 627-Hough
SB 615-Eigel	SB 628-Brattin
SB 616-Eigel	SB 629-Hoskins
SB 617-Eigel	SB 630-Hoskins
SB 618-Bernskoetter	SJR 28-Hegeman
SB 619-Bernskoetter	SJR 29-Burlison

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HCS for HB 349
HCS for HB 350	HCS for HB 548
HB 153-Rone	HB 139-Hudson
HCS for HB 574	HB 670-Houx
HB 476-Grier	HB 657-Trent
HCS for HB 271	HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 & 1097
HCS for HB 362	HB 63-Pike
HCS for HB 59	HCS for HB 357
HCS for HBs 547 & 752	HCS for HB 784
HCS for HB 334	HB 52-Schnelting
HB 345-DeGroot	HB 578-Bromley
HCS for HB 527	

THIRD READING OF SENATE BILLS

SS for SCS for SB 152-Hoskins (In Fiscal Oversight)	SB 86-Hegeman
SB 330-Burlison	SS for SB 258-White
SS for SCS for SB 43-White (In Fiscal Oversight)	SB 128-Brown
	SS for SCS for SB 106-Crawford
	SS for SB 6-Wieland

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|------------------------------------|
| 1. SB 4-Wieland, with SCS | 23. SB 5-Wieland, with SCS |
| 2. SB 9-Riddle | 24. SB 36-Bernskoetter |
| 3. SBs 153 & 97-Koenig, with SCS | 25. SB 57-May, with SCS |
| 4. SB 91-Riddle, with SCS | 26. SB 354-Hoskins, with SCS |
| 5. SB 283-Hoskins | 27. SB 126-Brown, with SCS |
| 6. SB 119-Burlison, with SCS | 28. SB 287-Crawford |
| 7. SB 149-Onder | 29. SB 282-Hegeman, with SCS |
| 8. SJR 2-Onder, with SCS | 30. SB 202-Cierpiot, with SCS |
| 9. SB 137-Brattin | 31. SB 44-White |
| 10. SB 108-Cierpiot, with SCS | 32. SB 71-Gannon, with SCS |
| 11. SB 141-Bean | 33. SB 254-Riddle, with SCS |
| 12. SB 163-Cierpiot | 34. SB 94-Onder |
| 13. SB 40-Burlison, with SCS | 35. SB 206-Arthur |
| 14. SB 301-Bernskoetter, with SCS | 36. SB 138-Brattin, with SCS |
| 15. SB 333-Burlison | 37. SB 78-Beck |
| 16. SB 120-White, with SCS | 38. SB 74-Bean, with SCS |
| 17. SB 327-Koenig | 39. SB 343-Brown |
| 18. SB 289-Brown, with SCS | 40. SB 95-Onder, with SCS |
| 19. SB 176-Hough | 41. SB 30-Cierpiot |
| 20. SB 46-Hough | 42. SB 134-O'Laughlin and Cierpiot |
| 21. SB 3-Hegeman | 43. SB 98-Hoskins, with SCS |
| 22. SB 212-White | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 64-Rehder

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|--|
| SB 1-Hegeman | SBs 12, 20, 21, 31, 56, 67 & 68-Onder, |
| SB 7-Riddle, with SS & SA 1 (pending) | with SCS, SS for SCS & SA 5 (pending) |
| SB 10-Schatz, with SS (pending) | SB 47-Hough |
| SB 11-Schatz | SBs 53 & 60-Luetkemeyer, with SCS |

SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending)

SB 63-Rehder

SB 100-Koenig, with SCS

SB 123-Hough, with SS & SA 2 (pending)

SB 179-Luetkemeyer

SB 262-Schatz, with SCS, SS for SCS &
SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 3/4

SB 226-Koenig

SB 377-Eslinger

RESOLUTIONS

Reported from Committee

SCR 3-Roberts and Moon, with SCS

SCR 7-Hegeman

To be Referred

SCR 19-Eigel

✓

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—WEDNESDAY, MARCH 10, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“If we really want to pray, we have to give time to learning its lessons.” (Mother Mary Clare)

Gracious God during this period before Easter we are more mindful of our relationship with You and our need to spend time in prayer. Help us Lord not only take the time to pray but also to be silent and experience Your presence as we discover ourselves before You. Help our faith to mature as we seek to deepen our relationship with You and become all that You intend for us to be. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Roberts moved that **SCR 3**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 3** was taken up.

Senator Roberts moved that **SCS** for **SCR 3** be adopted, which motion prevailed.

On motion of Senator Roberts, **SCR 3**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Moon—1

Absent with leave—Senators—None

Vacancies—None

SCR 7, introduced by Senator Hegeman, entitled:

An Act relating to the North Central Missouri Regional Water Commission.

Was taken up.

On motion of Senator Hegeman, **SCR 7** was read for the third time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Hegeman, title to the concurrent resolution was agreed to.

Senator Hegeman moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schatz moved that **SB 262**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Schatz, **SS** for **SCS** for **SB 262** was withdrawn, rendering **SA 2** moot.

Senator Schatz offered **SS No. 2** for **SCS** for **SB 262**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to repeal sections 142.803, 142.824, 142.869, 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof eleven new sections relating to transportation, with penalty provisions and an emergency clause for certain sections.

Senator Schatz moved that **SS No. 2** for **SCS** for **SB 262** be adopted, which motion prevailed.

On motion of Senator Schatz, **SS No. 2** for **SCS** for **SB 262**, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Schatz referred **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Wieland moved that **SB 4**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 4

An Act to repeal sections 303.025 and 303.041, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle financial responsibility, with penalty provisions.

Was taken up.

Senator Wieland moved that **SCS** for **SB 4** be adopted.

Senator Wieland offered **SS** for **SCS** for **SB 4**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 4

An Act to repeal sections 303.025 and 303.041, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle financial responsibility, with penalty provisions and an effective date for a certain section.

Senator Wieland moved that **SS** for **SCS** for **SB 4** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Page 1, In the Title, Line 3, by striking “motor vehicle financial responsibility” and inserting in lieu thereof the following: “transportation”; and

Further amend said bill and page, Section A, Line 4, by inserting after all of said line the following:

“301.558. 1. A motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer if the motor vehicle dealer, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, boat dealer, or powersport dealer.

3. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or used motor vehicles, vessels, or vessel trailers and imposes an administrative fee of [less than two] **five** hundred dollars **or less** in connection with the sale or lease of a new or used vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law. **The maximum administrative fee permitted under this subsection shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for All Urban Consumers or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency, or by zero, whichever is greater. The director of the department of revenue shall annually furnish the maximum administrative fee determined under this section to the secretary of state, who shall publish such value in the Missouri register as soon as practicable after January fourteenth of each year.**

4. If an administrative fee is charged under this section, the **same** administrative fee shall be charged to all retail customers [and] **unless the fee is limited by the dealer’s franchise agreement to certain classes of customers. The fee shall be** disclosed on the retail buyer’s order form as a separate itemized charge.

5. A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer’s order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

“AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW.”.

6. The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the

waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as provided under section 484.020.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Page 1, In the Title, Line 3, by striking “vehicle financial responsibility, with penalty provisions” and inserting in lieu thereof the following: “vehicles, with penalty provisions and an emergency clause for certain sections”; and

Further amend said bill and page, Section A, Line 4, by inserting after all of said line the following:

“301.192. 1. In addition to any other requirements of section 301.190, when application is made for a certificate of ownership for a motor vehicle or trailer seven years old or older and the value of vehicle does not exceed three thousand dollars, for which no record of any prior application for a certificate of ownership exists in the records of the director of revenue or for which the records of the director of revenue reflect incomplete or conflicting documentation of ownership, the director of revenue may issue a certificate of ownership, not less than thirty days after receiving the completed application, provided it is accompanied by:

(1) An affidavit explaining how the motor vehicle or trailer was acquired and the reasons a valid certificate of ownership cannot be furnished;

(2) Presentation of all evidence of ownership in the applicant’s possession;

(3) Title verification from a state in which the vehicle was previously titled or registered if known, provided the vehicle was so previously titled or registered;

(4) A notarized lien release from any lienholder of record;

(5) A vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of the vehicle’s identification number and a determination that the vehicle has not been reported stolen in Missouri or any other state. The fee for the vehicle examination certificate shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application;

(6) A statement certifying the odometer reading of the motor vehicle if less than [ten] **twenty** years of age; and

(7) A surety bond or a suitable financial security instrument in a form prescribed by the director of revenue and executed by the applicant and a person authorized to conduct surety business in this state. The bond shall be an amount equal to two times the value of the vehicle as determined by the Kelly Blue Book,

NADA Used Car Guide or two appraisals from a licensed motor vehicle dealer. The bond shall be for a minimum of one hundred dollars and conditioned to indemnify any prior owner or lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage including reasonable attorneys fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years, unless the department has been notified of the pendency of an action to recover on the bond.

2. Upon satisfaction with the genuineness of the application and supporting documents, the director of revenue shall issue a new certificate of ownership. The certificate of ownership shall appropriately be designated with the words “BONDED VEHICLE”.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor vehicle that is [ten] **twenty** years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer’s statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all temporary permits shall be recorded in the appropriate space on the dealer’s monthly sales report, unless the sale of the temporary permit is already recorded by electronic means as determined by the department. The monthly sales report shall include a statement of motor vehicles or trailers sold during the month under subsection 5 of section 301.210. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer’s name of all motor vehicles or trailers accepted by

him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for inspection by law enforcement officials, members or authorized or designated employees of the Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.

6. Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the department of revenue, as described in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

(2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the offenses of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

(3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

(4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person;

(5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the person is disqualified for a period of not less than three years.

3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the Secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years.

4. Any person is disqualified from driving a commercial motor vehicle for life who uses a commercial or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

5. Any person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, arising from separate incidents occurring within a three-year period.

6. Any person found to be operating a commercial motor vehicle while having any measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour out-of-service order by a law enforcement officer in this state.

7. Any person who is convicted of operating a commercial motor vehicle beginning at the time of issuance of the out-of-service order until its expiration is guilty of a class A misdemeanor.

8. Any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR 383, or as amended by the Secretary.

9. Any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in 49 CFR 383, or as amended by the Secretary.

10. Any person convicted of driving while out of service on a third or subsequent occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of three years.

11. Any person convicted of a first violation of an out-of-service order while transporting hazardous materials or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, is disqualified for a period of one hundred eighty days.

12. Any person convicted of any subsequent violation of an out-of-service order in a separate incident within ten years after a previous violation, while transporting hazardous materials or while operating a motor vehicle designed to transport fifteen passengers, including the driver, is disqualified for a period of three years.

13. Any person convicted of any other offense as specified by regulations promulgated by the Secretary of Transportation shall be disqualified in accordance with such regulations.

14. After suspending, revoking, cancelling, or disqualifying a driver, the director shall update records to reflect such action and notify a nonresident's licensing authority and the commercial driver's license information system within ten days in the manner prescribed in 49 CFR 384, or as amended by the Secretary.

15. Any person disqualified from operating a commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license cancelled, and upon conclusion of the period of disqualification shall take the written and driving tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation shall not be withdrawn by the director until such person reapplies for a commercial driver's license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

16. The director shall disqualify a driver upon receipt of notification that the Secretary has determined a driver to be an imminent hazard pursuant to 49 CFR 383.52. Due process of a disqualification determined by the Secretary pursuant to this section shall be held in accordance with regulations promulgated by the Secretary. The period of disqualification determined by the Secretary pursuant to this section shall be served concurrently to any other period of disqualification which may be imposed by the director pursuant to this section. Both disqualifications shall appear on the driving record of the driver.

17. The director shall disqualify a commercial license holder or operator of a commercial motor vehicle from operation of any commercial motor vehicle upon receipt of a conviction for an offense of failure to appear or pay, and such disqualification shall remain in effect until the director receives notice that the person has complied with the requirement to appear or pay.

18. The disqualification period must be in addition to any other previous periods of disqualification in the manner prescribed in 49 CFR 383, or as amended by the Secretary, except when the major or serious violations are a result of the same incident.

19. Any person is disqualified from driving a commercial motor vehicle for life for being convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined in U.S.C. 7102(11). A disqualification for life under this subsection shall not be reduced.”; and

Further amend said bill, Page 18, Section 303.440, Line 9, by inserting after all of said line the following:

“407.526. 1. A person commits the crime of odometer fraud in the third degree if, with the intent to defraud, he operates a motor vehicle less than [ten] **twenty** years old on any street or highway knowing that the odometer of the motor vehicle is disconnected or not functioning.

2. Odometer fraud in the third degree is a class C misdemeanor.

407.536. 1. Any person transferring ownership of a motor vehicle previously titled in this or any other state shall do so by assignment of title and shall place the mileage registered on the odometer at the time of transfer above the signature of the transferor. The signature of the transferor below the mileage shall constitute an odometer mileage statement. The transferee shall sign such odometer mileage statement before an application for certificate of ownership may be made. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a part of the permanent record of the motor vehicle with the Missouri department of revenue. The department of revenue shall place on all new titles issued after September 28, 1977, a box titled “mileage at the time of transfer”.

2. Any person transferring the ownership of a motor vehicle previously untitled in this or any other state

to another person shall give an odometer mileage statement to the transferee. The statement shall include above the signature of the transferor and transferee the cumulative mileage registered on the odometer at the time of transfer. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a permanent part of the records of the Missouri department of revenue.

3. If, upon receiving an application for registration or for a certificate of ownership of a motor vehicle, the director of revenue has credible evidence that the odometer reading provided by a transferor is materially inaccurate, he may place an asterisk on the face of the title document issued by the Missouri department of revenue, provided that the process required thereby does not interfere with his obligations under subdivision (2) of subsection 3 of section 301.190. The asterisk shall refer to a statement on the face and at the bottom of the title document which shall read as follows: "This may not be the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy.". Nothing in this section shall prevent any person from challenging the determination by the director of revenue in the circuit courts of the state of Missouri. The burden of proof shall be on the director of the department of revenue in all such proceedings.

4. The mileage disclosed by the odometer mileage statement for a new or used motor vehicle as described in subsections 1 and 2 of this section shall be placed by the transferor on any title or document evidencing ownership. Additional statements shall be placed on the title document as follows:

(1) If the transferor states that to the best of his knowledge the mileage disclosed is the actual mileage of the motor vehicle, an asterisk shall follow the mileage on the face of the title or document of ownership issued by the Missouri department of revenue. The asterisk shall reference to a statement on the face and bottom of the title document which shall read as follows: "Actual Mileage";

(2) Where the transferor has submitted an explanation why this mileage is incorrect, an asterisk shall follow the mileage on the face of the title or document of ownership issued by the Missouri department of revenue. The asterisk shall reference to a statement on the face and at the bottom of the title document which shall read as follows: "This is not the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy.". Further wording shall be included as follows:

(a) If the transferor states that the odometer reflects the amount of mileage in excess of the designed mechanical odometer limit, the above statement on the face of the title document shall be followed by the words: "Mileage exceeds the mechanical limits";

(b) If the transferor states that the odometer reading differs from the mileage and that the difference is greater than that caused by odometer calibration error and the odometer reading does not reflect the actual mileage and should not be relied upon, the above statement on the face of the title document shall be preceded by the words: "Warning Odometer Discrepancy".

5. The department of revenue shall notify all motor vehicle ownership transferees of the civil and criminal penalties involving odometer fraud.

6. Any person defacing or obscuring or otherwise falsifying any odometer reading on any document

required by this section shall be guilty of a class E felony.

7. The granting or creation of a security interest or lien shall not be considered a change of ownership for the purpose of this section, and the grantor of such lien or security interest shall not be required to make an odometer mileage statement. The release of a lien by a mortgage holder shall not be considered a change of ownership of the motor vehicle for the purposes of this section. The mortgage holder or lienholder shall not be required to make an odometer disclosure statement or state the current odometer setting at the time of the release of the lien where there is no change of ownership.

8. For the purposes of the mileage disclosure requirements of this section, if a certificate of ownership is held by a lienholder, if the transferor makes application for a duplicate certificate of ownership, or as otherwise provided in the federal Motor Vehicle Information and Cost Savings Act and related federal regulations, the transferor may execute a written power of attorney authorizing a transfer of ownership. The person granted such power of attorney shall restate exactly on the assignment of title the actual mileage disclosed at the time of transfer. The power of attorney shall accompany the certificate of ownership and the original power of attorney and a copy of the certificate of ownership shall be returned to the issuing state in the manner prescribed by the director of revenue, unless otherwise provided by federal law, rule or regulation. The department of revenue may prescribe a secure document for use in executing a written power of attorney, **and may allow electronic signatures on such document**. The department shall collect a fee for each form issued, not to exceed the cost of procuring the form.

407.556. 1. A violation of the provisions of sections 407.511 to 407.556 by any person licensed or registered as a manufacturer or dealer pursuant to the provisions of chapter 301, shall be considered a violation of the provisions of that chapter, subjecting that person to revocation or suspension of any license issued pursuant to the provisions of that chapter.

2. The provisions of sections 407.511 to 407.556 do not apply to the following motor vehicles:

- (1) Any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds;
- (2) Any motor vehicle that is [ten] **twenty** years old or older;
- (3) Any motor vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; or
- (4) Any new vehicle prior to its first transfer for purposes other than resale.

Section B. Because of the importance of combating human trafficking, and because of the importance of securing federal highway funding to maintain a safe and adequate system of highways in this state, the repeal and reenactment of sections 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Wieland moved that **SS for SCS for SB 4**, as amended, be adopted, which motion prevailed.

On motion of Senator Wieland, **SS for SCS for SB 4**, as amended, was declared perfected and ordered

printed.

Senator Riddle moved that **SB 9** be taken up for perfection, which motion prevailed.

On motion of Senator Riddle, **SB 9** was declared perfected and ordered printed.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SB 262** and **SB 9**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Koenig moved that **SB 153** and **SB 97**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 153** and **97**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 153 and 97

An Act to repeal sections 32.087, 32.310, 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof twenty-one new sections relating to taxation, with penalty provisions, an emergency clause for a certain section, and an effective date for certain sections.

Was taken up.

Senator Koenig moved that **SCS** for **SBs 153** and **97** be adopted.

Senator Koenig offered **SS** for **SCS** for **SBs 153** and **97**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 153 and 97

An Act to repeal sections 32.310, 67.2677, 67.2689, 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof twenty-three new sections relating to taxation, with penalty provisions and an effective date for certain sections.

Senator Koenig moved that **SS** for **SCS** for **SBs 153** and **97** be adopted.

Senator Hough offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 153 and 97, Page 3,

Section 32.310, Line 62, by inserting after all of said line the following:

“33.575. 1. There is hereby created in the state treasury the “Cash Operating Expense Fund”, which shall consist of money as provided under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The state general revenue portion from remittances made pursuant to section 144.752 and paragraph (e) of subdivision (3) of section 144.605, with the exception of revenues collected pursuant to section 144.701 and Article IV, Sections 43(a) and 47(a) of the Missouri Constitution, shall be deposited into the fund.”; and

Further amend said bill, page 53, Section 144.752, lines 180-181, by striking “general revenue fund as provided in section 144.700” and inserting in lieu thereof the following: **“cash operating fund established pursuant to section 33.575”**; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 153 and 97, Page 65, Section B, Line 7, by inserting after all of said line, the following:

“Section C. The repeal and reenactment of Section 67.2677 shall become effective August 28, 2023.”; and

Further amend the title accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

Senator Koenig moved that **SS for SCS for SBs 153 and 97**, as amended, be adopted, which motion prevailed.

On motion of Senator Koenig, **SS for SCS for SBs 153 and 97**, as amended, was declared perfected and ordered printed.

The Senate observed a moment of silence in memory of Mrs. Rosie McCulley and her children.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 4**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Rowden, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Schatz.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 153** and **97**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rowden assumed the Chair.

REFERRALS

President Pro Tem Schatz referred **SS No. 2** for **SCS** for **SB 262**; **SS** for **SCS** for **SB 4**; and **SS** for **SCS** for **SBs 153** and **97** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 155, regarding Sarah Robinson-Holmes, Jefferson City, which was adopted.

INTRODUCTION OF GUESTS

Senator Brattin introduced to the Senate, Pam Woolridge, Lee's Summit; Braeden Woolridge, Lee's Summit; Jenna Doll, Pleasant Hill; Asya Tolefree, Kansas City; Adam Tolfree, Lee's Summit; Tasleem Tolefree, Kansas City; and Olivia Baitinger, Lee's Summit.

Senator Bean introduced to the Senate, Jonah Clary, Bloomfield; Joseph Clary, Bloomfield; James Taylor, Poplar Bluff; Alyssa Bubonovich; Robert Wake; Jackson Bostic; Jeffrey Drury, Silva; Charles Berry, Poplar Bluff; Marvin Lewis, Poplar Bluff; David Mathis Jr, Poplar Bluff; Derek Fuemmeler, Harviell; Michael Bailey, Poplar Bluff; Ontario Reed, Poplar Bluff; Charles Cook, Kennett; Chad Cook, Cape Girardeau; and Charles Washington, Hayti.

Senator Williams introduced to the Senate, Rori Picker-Ness, University City; and parents of Trans-Children and their children.

Senator Hegeman introduced to the Senate, Kyle White, Maysville.

President Kehoe introduced to the Senate, Angela Zeng.

Senator Moon introduced to the Senate, his wife, Denise Moon, Ash Grove; his daughter, Amanda Richards, Republic; his grandchildren Lily Richards; Adalyn Richards; and Emmy Richards, Republic.

Senator Williams introduced to the Senate, Police Chief Jason Armstrong, Ferguson.

On motion of Senator Schatz, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FOURTH DAY—THURSDAY, MARCH 11, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 579-Rehder	SB 606-Burlison
SB 580-Rehder	SB 607-Williams
SB 581-Eslinger	SB 608-Razer
SB 582-Eslinger	SB 609-Razer
SB 583-Eslinger	SB 610-May
SB 584-Eslinger	SB 611-May
SB 585-Eslinger	SB 612-May
SB 586-Brattin	SB 613-Crawford
SB 587-Brattin	SB 614-Crawford
SB 588-Brattin	SB 615-Eigel
SB 589-Brattin	SB 616-Eigel
SB 590-Brattin	SB 617-Eigel
SB 591-Roberts	SB 618-Bernskoetter
SB 592-Roberts	SB 619-Bernskoetter
SB 593-Roberts	SB 620-Bernskoetter
SB 594-Moon	SB 621-Bernskoetter
SB 595-Moon	SB 622-Bernskoetter
SB 596-Moon	SB 623-Hough
SB 597-Moon	SB 624-Hough
SB 598-O’Laughlin	SB 625-Hough
SB 599-O’Laughlin	SB 626-Hough
SB 600-O’Laughlin	SB 627-Hough
SB 601-O’Laughlin	SB 628-Brattin
SB 602-O’Laughlin	SB 629-Hoskins
SB 603-Koenig	SB 630-Hoskins
SB 604-Koenig	SJR 28-Hegeman
SB 605-Koenig	SJR 29-Burlison

HOUSE BILLS ON SECOND READING

HCS for HBs 85 & 310	HCS for HB 349
HCS for HB 350	HCS for HB 548
HB 153-Rone	HB 139-Hudson
HCS for HB 574	HB 670-Houx
HB 476-Grier	HB 657-Trent
HCS for HB 271	HCS for HBs 1083, 1085, 1050, 1035,
HCS for HB 362	1036, 873 & 1097
HCS for HB 59	HB 63-Pike
HCS for HBs 547 & 752	HCS for HB 357
HCS for HB 334	HCS for HB 784
HB 345-DeGroot	HB 52-Schnelting
HCS for HB 527	HB 578-Bromley

THIRD READING OF SENATE BILLS

- | | |
|---|---|
| 1. SS for SCS for SB 152-Hoskins
(In Fiscal Oversight) | 8. SS for SB 6-Wieland |
| 2. SB 330-Burlison | 9. SS#2 for SCS for SB 262-Schatz
(In Fiscal Oversight) |
| 3. SS for SCS for SB 43-White
(In Fiscal Oversight) | 10. SB 9-Riddle |
| 4. SB 86-Hegeman | 11. SS for SCS for SB 4-Wieland
(In Fiscal Oversight) |
| 5. SS for SB 258-White | 12. SS for SCS for SBs 153 & 97-Koenig
(In Fiscal Oversight) |
| 6. SB 128-Brown | |
| 7. SS for SCS for SB 106-Crawford | |

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|-----------------------------------|
| 1. SB 91-Riddle, with SCS | 9. SB 163-Cierpiot |
| 2. SB 283-Hoskins | 10. SB 40-Burlison, with SCS |
| 3. SB 119-Burlison, with SCS | 11. SB 301-Bernskoetter, with SCS |
| 4. SB 149-Onder | 12. SB 333-Burlison |
| 5. SJR 2-Onder, with SCS | 13. SB 120-White, with SCS |
| 6. SB 137-Brattin | 14. SB 327-Koenig |
| 7. SB 108-Cierpiot, with SCS | 15. SB 289-Brown, with SCS |
| 8. SB 141-Bean | 16. SB 176-Hough |

- | | |
|-------------------------------|------------------------------------|
| 17. SB 46-Hough | 29. SB 71-Gannon, with SCS |
| 18. SB 3-Hegeman | 30. SB 254-Riddle, with SCS |
| 19. SB 212-White | 31. SB 94-Onder |
| 20. SB 5-Wieland, with SCS | 32. SB 206-Arthur |
| 21. SB 36-Bernskoetter | 33. SB 138-Brattin, with SCS |
| 22. SB 57-May, with SCS | 34. SB 78-Beck |
| 23. SB 354-Hoskins, with SCS | 35. SB 74-Bean, with SCS |
| 24. SB 126-Brown, with SCS | 36. SB 343-Brown |
| 25. SB 287-Crawford | 37. SB 95-Onder, with SCS |
| 26. SB 282-Hegeman, with SCS | 38. SB 30-Cierpiot |
| 27. SB 202-Cierpiot, with SCS | 39. SB 134-O'Laughlin and Cierpiot |
| 28. SB 44-White | 40. SB 98-Hoskins, with SCS |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 64-Rehder

SENATE BILLS FOR PERFECTION

SB 1-Hegeman	SBs 53 & 60-Luetkemeyer, with SCS
SB 7-Riddle, with SS & SA 1 (pending)	SBs 55, 23 & 25-O'Laughlin, et al, with
SB 10-Schatz, with SS (pending)	SCS & SS for SCS (pending)
SB 11-Schatz	SB 63-Rehder
SBs 12, 20, 21, 31, 56, 67 & 68-Onder,	SB 100-Koenig, with SCS
with SCS, SS for SCS & SA 5	SB 123-Hough, with SS & SA 2 (pending)
(pending)	SB 179-Luetkemeyer
SB 47-Hough	

CONSENT CALENDAR

Senate Bills

SB 226-Koenig	SB 377-Eslinger
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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY—THURSDAY, MARCH 11, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“You will seek the Lord your God, and you will find him if you search after him with all your heart and soul.” (Deuteronomy 4:29)

Creator God, we are eager to put our work down and to take time to relax our bodies and minds and let our strength be renewed. O Lord, Help us to uplift our spirit as we spend needed time with those we love and with You our God. Let this time away from here be a time for re-creation and reconnection with all You have created and given to us. We ask, lift our souls O Lord with Your word and presence, renewing us for the increased activities that await us on our return. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 156, regarding Dr. Jahnae H. Barnett, New Bloomfield, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 157, regarding the Fiftieth Anniversary of Concord Baptist Church, Jefferson City, which was adopted.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Cierpiot moved that the vote by which **SS No. 2** for **SB 24**, as amended, failed to be declared perfected and ordered printed, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden
Schatz	White	Wieland—24				

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Williams—9					

Absent—Senator Washington—1

Absent with leave—Senators—None

Vacancies—None

Having voted on the prevailing side, Senator Eigel moved that the vote by which **SS No. 2** for **SB 24**, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden
Schatz	White	Wieland—24				

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Eigel, **SB 24**, with **SS No. 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 152**; **SS** for **SCS** for **SB 4**; **SS No. 2** for **SCS** for **SB 262**; **SS** for **SCS** for **SB 43**; and **SS** for **SCS** for **SBs 153** and **97**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SB 64**, introduced by Senator Rehder, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 64**

An Act to repeal sections 579.040 and 579.076, RSMo, and to enact in lieu thereof two new sections relating to distributors of hypodermic needles, with penalty provisions.

Was taken up.

On motion of Senator Rehder, **SS** for **SB 64** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	May	Mosley	O’Laughlin	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Williams—30					

NAYS—Senators

Luetkemeyer	Moon	Onder	Wieland—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rehder, title to the bill was agreed to.

Senator Rehder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 152**, introduced by Senator Hoskins, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 152**

An Act to repeal sections 162.441, 162.720, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435,

166.440, 166.456, 174.453, and 210.201, RSMo, and to enact in lieu thereof eighteen new sections relating to education with an emergency clause for certain sections.

Was taken up.

On motion of Senator Hoskins, **SS** for **SCS** for **SB 152** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senator May—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 330, introduced by Senator Burlison, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to the occupational therapy licensure compact.

Was taken up.

On motion of Senator Burlison, **SB 330** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Burlison, title to the bill was agreed to.

Senator Burlison moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 43, introduced by Senator White, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 43

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to hearing aids covered by health benefit plans.

Was taken up.

On motion of Senator White, **SS for SCS for SB 43** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
May	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	Washington	White
Wieland	Williams—30					

NAYS—Senators

Burlison	Eigel	Koenig	Moon—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 86, introduced by Senator Hegeman, entitled:

An Act to repeal section 115.646, RSMo, and to enact in lieu thereof one new section relating to the use of public funds in elections, with penalty provisions.

Was taken up.

On motion of Senator Hegeman, **SB 86** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SB 258, introduced by Senator White, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to classification of Missouri National Guard members.

Was taken up.

On motion of Senator White, **SS for SB 258** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins

Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 128, introduced by Senator Brown, entitled:

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof three new sections relating to the inmate canteen fund, with an emergency clause for certain sections.

Was taken up.

On motion of Senator Brown, **SB 128** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder

Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 106, introduced by Senator Crawford, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106

An Act to repeal sections 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 365.100, 365.140, 367.150, 369.049, 400.3-309, 408.035, 408.100, 408.140, 408.178, 408.233, 408.234, 408.250, 408.553, and 408.554, RSMo, and to enact in lieu thereof twenty-six new sections relating to financial institutions.

Was taken up.

On motion of Senator Crawford, **SS for SCS for SB 106** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hoskins	Hough	Koenig	Luetkemeyer
Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
Washington	White	Wieland—24				

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Williams—9					

Absent—Senator Hegeman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SB 6, introduced by Senator Wieland, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 6

An Act to repeal sections 319.131, 375.246, and 379.120, RSMo, and to enact in lieu thereof thirteen new sections relating to insurance.

Was taken up.

Pursuant to Senate Rule 91, Senator Luetkemeyer excused himself from voting on the 3rd reading of **SS for SB 6**.

On motion of Senator Wieland, **SS for SB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Luetkemeyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS No. 2 for SCS for SB 262, introduced by Senator Schatz, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to repeal sections 142.803, 142.824, 142.869, 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof eleven new sections relating to transportation, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Schatz, **SS No. 2** for **SCS** for **SB 262** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Crawford	Eslinger
Gannon	Hegeman	Hough	May	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Williams—21

NAYS—Senators

Brattin	Burlison	Cierpiot	Eigel	Hoskins	Koenig	Luetkemeyer
Moon	Mosley	O’Laughlin	Onder	Rehder	Wieland—13	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	May	Onder	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Wieland
Williams—29						

NAYS—Senators

Luetkemeyer	Moon	Mosley	O’Laughlin	Rehder—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 9, introduced by Senator Riddle, entitled:

An Act to repeal section 337.068, RSMo, and to enact in lieu thereof one new section relating to prisoner complaints against a psychologist's license.

Was taken up.

On motion of Senator Riddle, **SB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 4, introduced by Senator Wieland, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 4

An Act to repeal sections 301.192, 301.280, 301.558, 302.755, 303.025, 303.041, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof fourteen new sections relating to motor vehicles, with penalty provisions, an effective date for a certain section, and an emergency clause for certain sections.

Was taken up.

On motion of Senator Wieland, **SS for SCS for SB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	May	Mosley	O'Laughlin	Onder	Razer	Rehder

Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators

Arthur	Moon—2
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Absent—Senator Luetkemeyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Mosley	O’Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Rowden	Schatz	Schupp	White	Wieland
Williams—29						

NAYS—Senators

May	Moon	Roberts	Washington—4
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Absent—Senator Luetkemeyer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 153 and 97, introduced by Senator Koenig, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 153 and 97

An Act to repeal sections 32.310, 67.2677, 67.2689, 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof twenty-four new sections relating to taxation, with penalty provisions and effective dates for certain sections.

Was taken up.

On motion of Senator Koenig, **SS** for **SCS** for **SBs 153** and **97** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	May	Mosley	O’Laughlin	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Williams—28

NAYS—Senators

Moon	Razer	Rehder	Wieland—4
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Absent—Senators

Luetkemeyer	Onder—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 226, introduced by Senator Koenig, entitled:

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to sales tax filing periods, with existing penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Koenig, **SB 226** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Luetkemeyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 377, introduced by Senator Eslinger, entitled:

An Act to repeal section 537.347, RSMo, and to enact in lieu thereof one new section relating to landowner liability.

Was called from the Consent Calendar and taken up.

On motion of Senator Eslinger, **SB 377** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Luetkemeyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Eslinger, title to the bill was agreed to.

Senator Eslinger moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

SENATE HEARING SCHEDULE
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION
MARCH 11, 2021

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		<p>Transportation, Infrastructure & Public Safety SCR 1 (Brown)</p> <p>Small Business & Industry SL (Burlison)</p> <p>Appropriations SCR 2 (Hegeman)</p>	<p>Commerce, Consumer Protection, Energy & the Environment SL (Cierpiot)</p> <p>Appropriations SCR 2 (Hegeman)</p> <p>Progress and Development SCR 1 (Schupp)</p>	<p>Ways & Means SL (Koenig)</p> <p>Governmental Accountability & Fiscal Oversight SCR 1 (Hough)</p>
9:00 a.m.		<p>Rules, Joint Rules, Resolutions and Ethics SL (Rowden)</p>		
12:00 p.m.		<p>General Laws SCR 1 (Eigel)</p> <p>Economic Development SL (Hoskins)</p> <p>Appropriations SCR 2 (Hegeman)</p>	<p>Gubernatorial Appointments SL (Schatz)</p> <p>Seniors, Families, Veterans & Military Affairs SCR 1 (White)</p> <p>Appropriations SCR 2 (Hegeman)</p>	
1:00 p.m.		<p>Insurance & Banking SCR 1 (Wieland)</p> <p>Education SL (O'Laughlin)</p> <p>Appropriations SCR 2 (Hegeman)</p>	<p>Local Government & Elections SCR 1 (Crawford)</p> <p>Health and Pensions SL (Onder)</p>	
2:00 p.m.	<p>Judiciary and Civil and Criminal Jurisprudence SCR 1 (Luetkemeyer)</p> <p>Professional Registration SL (Riddle)</p> <p>Agriculture, Food Production and Outdoor Resources SCR 2 (Bernskoetter)</p>			

SCR 1 - Senate Committee Rm. 1, Room 118

SL - Senate Lounge

SCR 2 - Senate Committee Rm. 2, Room 119

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 360**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 45**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 65**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 403**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Schupp, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 457**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Hoskins, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 227**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 253**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SJR 12**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 255**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 404**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 365**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 334**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 96**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 183**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 459**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 198**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SJR 7**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 114**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 316**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 372**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 520**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 195**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Rowden submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 295**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 169**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 139**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 204**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 35**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing Section 15 of Article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state treasurer’s ability to invest.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJRs 20, 2, 9 & 27**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing Sections 50 and 51 of Article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to constitutional amendments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 249**, entitled:

An Act to repeal section 68.075, RSMo, and to enact in lieu thereof one new section relating to advanced industrial manufacturing zones.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS#2** for **HB 75**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public health orders issued by government entities, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 138**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to assistance for applicants for permits issued by the department of natural resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 257**, entitled:

An Act to repeal sections 304.050 and 304.076, RSMo, and to enact in lieu thereof two new sections relating to Head Start school buses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 701**, entitled:

An Act to repeal sections 104.010, 104.020, 104.035, 104.090, 104.130, 104.170, 104.200, 104.312, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1015, 104.1018, 104.1024, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, and 476.521, RSMo, and to enact in lieu thereof twenty-four new sections relating to retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 624**, entitled:

An Act to amend chapters 160 and 161, RSMo, by adding thereto two new sections relating to early high school graduation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 685**, entitled:

An Act to repeal sections 27.010, 51.050, 55.060, 58.030, 60.010, 77.230, 79.080, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, RSMo, and to enact in lieu thereof fifteen new sections relating to certain public offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 660**, entitled:

An Act to repeal section 301.3139, RSMo, and to enact in lieu thereof one new section relating to special license plates for Boy Scouts of America.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 583**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to audits of state entities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 811**, entitled:

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to teacher and school employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 948**, entitled:

An Act to repeal section 135.686, RSMo, and to enact in lieu thereof one new section relating to a tax credit for the expansion of meat processing facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 495**, entitled:

An Act to repeal sections 191.1145, 191.1146, 334.108, and 376.1900, RSMo, and to enact in lieu thereof four new sections relating to telemedicine services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 767**, entitled:

An Act to repeal section 247.200, RSMo, and to enact in lieu thereof two new sections relating to water supply districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 201**, entitled:

An Act to repeal section 32.056, RSMo, and to enact in lieu thereof one new section relating to confidentiality of motor vehicle registration records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 292**, entitled:

An Act to repeal section 455.010, RSMo, and to enact in lieu thereof one new section relating to stalking.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Eslinger assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 579—Transportation, Infrastructure and Public Safety.

SB 580—Transportation, Infrastructure and Public Safety.

SB 581—Small Business and Industry.

SB 582—Seniors, Families, Veterans & Military Affairs.

SB 583—Education.

SB 584—Professional Registration.

SB 585—Education.

SB 586—Education.

SB 587—Local Government and Elections.

SB 588—Governmental Accountability and Fiscal Oversight.

SB 589—General Laws.

SB 590—Education.

SB 591—Judiciary and Civil and Criminal Jurisprudence.

SB 592—Seniors, Families, Veterans & Military Affairs.

SB 593—Judiciary and Civil and Criminal Jurisprudence.

SB 594—General Laws.

SB 595—Judiciary and Civil and Criminal Jurisprudence.

SB 596—Judiciary and Civil and Criminal Jurisprudence.

SB 597—Ways and Means.

SB 598—Health and Pensions.

SB 599—Local Government and Elections.

SB 600—Governmental Accountability and Fiscal Oversight.

SB 601—Education.

SB 602—Rules, Joint Rules, Resolutions and Ethics.

SB 603—Health and Pensions.

SB 604—Ways and Means.

SB 605—Insurance and Banking.

SB 606—Transportation, Infrastructure and Public Safety.

SB 607—Seniors, Families, Veterans & Military Affairs.

SB 608—Health and Pensions.

SB 609—Transportation, Infrastructure and Public Safety.

SB 610—Progress and Development.

SB 611—Commerce, Consumer Protection, Energy and the Environment.

SB 612—Local Government and Elections.

SB 613—Insurance and Banking.

SB 614—Judiciary and Civil and Criminal Jurisprudence.

SB 615—Ways and Means.

SB 616—Judiciary and Civil and Criminal Jurisprudence.

SB 617—Health and Pensions.

SB 618—Health and Pensions.

SB 619—Judiciary and Civil and Criminal Jurisprudence.

SB 620—Judiciary and Civil and Criminal Jurisprudence.

SB 621—Judiciary and Civil and Criminal Jurisprudence.

SB 622—Small Business and Industry.

SB 623—Economic Development.

SB 624—Health and Pensions.

SB 625—Economic Development.

SB 626—Transportation, Infrastructure and Public Safety.

SB 627—Ways and Means.

SB 628—Local Government and Elections.

SB 629—Economic Development.

SB 630—Judiciary and Civil and Criminal Jurisprudence.

SJR 28—Rules, Joint Rules, Resolutions and Ethics.

SJR 29—Local Government and Elections.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HBs 85 and 310—General Laws.

HCS for HB 350—General Laws.

HB 153—Transportation, Infrastructure and Public Safety.

HCS for HB 574—Agriculture, Food Production and Outdoor Resources.

HB 476—Professional Registration.

HCS for HB 271—Local Government and Elections.

HCS for HB 362—Governmental Accountability and Fiscal Oversight.

HCS for HB 59—Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 547 & 752—General Laws.

HCS for HB 334—Local Government and Elections.

HB 345—Governmental Accountability and Fiscal Oversight.

HCS for HB 527—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 349—Education.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 158, regarding the Honorable Norris Gerhart, California, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Thursday, March 18, 2021.

SENATE CALENDAR

THIRTY-FIFTH DAY—THURSDAY, MARCH 18, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 548

HB 139-Hudson

HB 670-Houx

HB 657-Trent

HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097
HB 63-Pike
HCS for HB 357
HCS for HB 784
HB 52-Schnelting
HB 578-Bromley
HCS for HJR 35
HCS for HJRs 20, 2, 9 & 27
HB 249-Ruth
HCS#2 for HB 75
HB 138-Pietzman

HB 257-Evans
HB 701-Black
HB 624-Richey
HCS for HB 685
HB 660-O'Donnell
HCS for HB 583
HCS for HB 811
HB 948-Francis
HCS for HB 495
HB 767-Roden
HB 201-McGill
HCS for HB 292

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|------------------------------------|
| 1. SB 91-Riddle, with SCS | 23. SB 354-Hoskins, with SCS |
| 2. SB 283-Hoskins | 24. SB 126-Brown, with SCS |
| 3. SB 119-Burlison, with SCS | 25. SB 287-Crawford |
| 4. SB 149-Onder | 26. SB 282-Hegeman, with SCS |
| 5. SJR 2-Onder, with SCS | 27. SB 202-Cierpiot, with SCS |
| 6. SB 137-Brattin | 28. SB 44-White |
| 7. SB 108-Cierpiot, with SCS | 29. SB 71-Gannon, with SCS |
| 8. SB 141-Bean | 30. SB 254-Riddle, with SCS |
| 9. SB 163-Cierpiot | 31. SB 94-Onder |
| 10. SB 40-Burlison, with SCS | 32. SB 206-Arthur |
| 11. SB 301-Bernskoetter, with SCS | 33. SB 138-Brattin, with SCS |
| 12. SB 333-Burlison | 34. SB 78-Beck |
| 13. SB 120-White, with SCS | 35. SB 74-Bean, with SCS |
| 14. SB 327-Koenig | 36. SB 343-Brown |
| 15. SB 289-Brown, with SCS | 37. SB 95-Onder, with SCS |
| 16. SB 176-Hough | 38. SB 30-Cierpiot |
| 17. SB 46-Hough | 39. SB 134-O'Laughlin and Cierpiot |
| 18. SB 3-Hegeman | 40. SB 98-Hoskins, with SCS |
| 19. SB 212-White | 41. SB 360-Wieland, with SCS |
| 20. SB 5-Wieland, with SCS | 42. SB 45-Hough |
| 21. SB 36-Bernskoetter | 43. SB 65-Rehder, with SCS |
| 22. SB 57-May, with SCS | 44. SB 253-Hegeman |

- | | |
|-----------------------------------|-------------------------------|
| 45. SJR 12-Luetkemeyer | 55. SB 198-Eigel, with SCS |
| 46. SB 131-Luetkemeyer | 56. SJR 7-Eigel |
| 47. SB 291-Brown | 57. SB 114-Bernskoetter |
| 48. SB 306-Bernskoetter, with SCS | 58. SB 316-Hough |
| 49. SB 255-Riddle | 59. SB 372-Riddle |
| 50. SB 404-Riddle | 60. SB 195-Koenig |
| 51. SB 334-Bernskoetter | 61. SB 295-Crawford, with SCS |
| 52. SB 96-Hoskins, with SCS | 62. SB 169-Burlison |
| 53. SB 183-O’Laughlin | 63. SB 139-Bean |
| 54. SB 459-Brattin, with SCS | 64. SB 204-Cierpiot, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 1-Hegeman | SB 47-Hough |
| SB 7-Riddle, with SS & SA 1 (pending) | SBs 53 & 60-Luetkemeyer, with SCS |
| SB 10-Schatz, with SS (pending) | SBs 55, 23 & 25-O’Laughlin, et al, with |
| SB 11-Schatz | SCS & SS for SCS (pending) |
| SBs 12, 20, 21, 31, 56, 67 & 68-Onder, | SB 63-Rehder |
| with SCS, SS for SCS & SA 5 | SB 100-Koenig, with SCS |
| (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SB 24-Eigel, with SS#2 (pending) | SB 179-Luetkemeyer |

CONSENT CALENDAR

Senate Bills

Reported 3/11

- | | |
|------------------------|--------------------------|
| SB 403-Onder, with SCS | SB 365-Wieland |
| SB 457-Rizzo, with SCS | SB 303-Gannon |
| SB 227-Arthur | SB 520-Roberts, with SCS |

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY—THURSDAY, MARCH 18, 2021

The Senate met pursuant to adjournment.

Senator Bernskoetter in the Chair.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 159, regarding Zachary Brodersen, Gravois Mills, which was adopted.

On behalf of Senators Rehder and Bean, Senator Bernskoetter offered Senate Resolution No. 160, regarding the National Stars and Stripes Museum and Library, Bloomfield, which was adopted.

On behalf of Senator Rowden, Senator Bernskoetter offered Senate Resolution No. 161, regarding Donna M. Davis-Vandegriffe, Columbia, which was adopted.

On behalf of Senator Rehder, Senator Bernskoetter offered Senate Resolution No. 162, regarding June O'Dell, Jackson, which was adopted.

On behalf of Senator Rowden and himself, Senator Bernskoetter offered Senate Resolution No. 163, regarding the Ninetieth Birthday of Charles A. Gabert, California, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 554**, entitled:

An Act to repeal sections 32.310, 67.2677, 67.2689, 143.011, 144.605, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof eleven new sections relating to taxation, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 151**, entitled:

An Act to repeal sections 160.2700, 160.2705, and 168.205, RSMo, and to enact in lieu thereof five new sections relating to alternative elementary and secondary educational opportunities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 333**, entitled:

An Act to repeal sections 116.030, 116.040, 116.050, 116.130, 116.153, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof eleven new sections relating to initiative petitions and referendums.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Bernskoetter, the Senate adjourned until 4:00 p.m., Monday, March 22, 2021.

SENATE CALENDAR

THIRTY-SIXTH DAY—MONDAY, MARCH 22, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 548

HB 139-Hudson

HB 670-Houx

HB 657-Trent

HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097

HB 63-Pike

HCS for HB 357

HCS for HB 784

HB 52-Schnelting

HB 578-Bromley

HCS for HJR 35

HCS for HJRs 20, 2, 9 & 27

HB 249-Ruth

HCS#2 for HB 75

HB 138-Pietzman

HB 257-Evans

HB 701-Black

HB 624-Richey

HCS for HB 685

HB 660-O'Donnell
HCS for HB 583
HCS for HB 811
HB 948-Francis
HCS for HB 495
HB 767-Roden

HB 201-McGill
HCS for HB 292
HB 554-Eggleston
HB 151-Shields
HB 333-Simmons

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|------------------------------------|
| 1. SB 91-Riddle, with SCS | 32. SB 206-Arthur |
| 2. SB 283-Hoskins | 33. SB 138-Brattin, with SCS |
| 3. SB 119-Burlison, with SCS | 34. SB 78-Beck |
| 4. SB 149-Onder | 35. SB 74-Bean, with SCS |
| 5. SJR 2-Onder, with SCS | 36. SB 343-Brown |
| 6. SB 137-Brattin | 37. SB 95-Onder, with SCS |
| 7. SB 108-Cierpiot, with SCS | 38. SB 30-Cierpiot |
| 8. SB 141-Bean | 39. SB 134-O'Laughlin and Cierpiot |
| 9. SB 163-Cierpiot | 40. SB 98-Hoskins, with SCS |
| 10. SB 40-Burlison, with SCS | 41. SB 360-Wieland, with SCS |
| 11. SB 301-Bernskoetter, with SCS | 42. SB 45-Hough |
| 12. SB 333-Burlison | 43. SB 65-Rehder, with SCS |
| 13. SB 120-White, with SCS | 44. SB 253-Hegeman |
| 14. SB 327-Koenig | 45. SJR 12-Luetkemeyer |
| 15. SB 289-Brown, with SCS | 46. SB 131-Luetkemeyer |
| 16. SB 176-Hough | 47. SB 291-Brown |
| 17. SB 46-Hough | 48. SB 306-Bernskoetter, with SCS |
| 18. SB 3-Hegeman | 49. SB 255-Riddle |
| 19. SB 212-White | 50. SB 404-Riddle |
| 20. SB 5-Wieland, with SCS | 51. SB 334-Bernskoetter |
| 21. SB 36-Bernskoetter | 52. SB 96-Hoskins, with SCS |
| 22. SB 57-May, with SCS | 53. SB 183-O'Laughlin |
| 23. SB 354-Hoskins, with SCS | 54. SB 459-Brattin, with SCS |
| 24. SB 126-Brown, with SCS | 55. SB 198-Eigel, with SCS |
| 25. SB 287-Crawford | 56. SJR 7-Eigel |
| 26. SB 282-Hegeman, with SCS | 57. SB 114-Bernskoetter |
| 27. SB 202-Cierpiot, with SCS | 58. SB 316-Hough |
| 28. SB 44-White | 59. SB 372-Riddle |
| 29. SB 71-Gannon, with SCS | 60. SB 195-Koenig |
| 30. SB 254-Riddle, with SCS | 61. SB 295-Crawford, with SCS |
| 31. SB 94-Onder | 62. SB 169-Burlison |

63. SB 139-Bean

64. SB 204-Cierpiot, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman

SB 7-Riddle, with SS & SA 1 (pending)

SB 10-Schatz, with SS (pending)

SB 11-Schatz

SBs 12, 20, 21, 31, 56, 67 & 68-Onder,
with SCS, SS for SCS & SA 5 (pending)

SB 24-Eigel, with SS#2 (pending)

SB 47-Hough

SBs 53 & 60-Luetkemeyer, with SCS

SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending)

SB 63-Rehder

SB 100-Koenig, with SCS

SB 123-Hough, with SS & SA 2 (pending)

SB 179-Luetkemeyer

CONSENT CALENDAR

Senate Bills

Reported 3/11

SB 403-Onder, with SCS

SB 457-Rizzo, with SCS

SB 227-Arthur

SB 365-Wieland

SB 303-Gannon

SB 520-Roberts, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—MONDAY, MARCH 22, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Trust in the Lord, and do good so you will live in the land and enjoy security.” (Psalm 37:3)

Gracious God, thank You for our safe travel here this day as we return refreshed and eager to do what we have been called to do. We thank You for the miracles and surprises that come our way showing us You are truly a God we can trust and delight in and learn from. Continue being with us this week and help us rejoice in what You have provided for each of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 11, 2021, and Thursday, March 18, 2021, were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 164, regarding the Bicentennial of the Santa Fe Trail,

which was adopted.

Senator Bean offered Senate Resolution No. 165, regarding Josiah McMinn, Arbyrd, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 166, regarding Quinten Ingram, Eldon, which was adopted.

Senator Crawford offered Senate Resolution No. 167, regarding Laci Thompson, Cole Camp, which was adopted.

Senator Brown offered Senate Resolution No. 168, regarding Rick Barnes, Rolla, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Riddle moved that **SB 91**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 91**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 91

An Act to repeal section 566.150, RSMo, and to enact in lieu thereof one new section relating to certain offenders of sex crimes, with existing penalty provisions.

Was taken up.

Senator Riddle moved that **SCS** for **SB 91** be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **SB 91** was declared perfected and ordered printed.

Senator Hoskins moved that **SB 283** be taken up for perfection, which motion prevailed.

Senator Hoskins offered **SS** for **SB 283**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 283

An Act to repeal sections 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof fifteen new sections relating to alcoholic beverages, with existing penalty provisions.

Senator Hoskins moved that **SS** for **SB 283** be adopted.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 283, Page 35, Section 311.482, Line 37, by inserting after all of said line the following:

“311.620. 1. No person shall be appointed as agent, assistant, deputy or inspector under the provisions of the liquor control law who shall have been convicted of or against whom any indictment may be pending for any offense; nor shall any person be appointed as such agent, assistant, deputy or inspector who is not of good character or who is not a citizen of the United States, and who is not [or has not been] a resident taxpaying citizen of the state [for a period of three years previous to his] **at the time of his or her** appointment; or who is not able to read and write the English language or who does not possess ordinary physical strength and who is not able to pass such physical and mental examination as the [majority of a

board, consisting of the governor, lieutenant governor, attorney general, and the] supervisor of [liquor] **alcohol and tobacco** control may prescribe.

2. No agent, assistant, deputy or inspector so appointed shall hold any other commission or office, elective or appointive or accept any other employment compensation while he **or she** is an employee of the [department of liquor] **division of alcohol and tobacco** control, except with the written permission of the supervisor of [liquor] **alcohol and tobacco** control. No agent, assistant, deputy or inspector of the [department of liquor] **division of alcohol and tobacco** control shall accept any reward or gift other than his **or her** regular salary and expenses as provided in this chapter. No agent, assistant, deputy or inspector of the [department of liquor] **division of alcohol and tobacco** control shall perform any police duty connected with the conduct of any election, nor at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election.

3. The agents, assistants, deputies and inspectors appointed under the provisions of section 311.610 shall before entering upon the discharge of their duties, each take and subscribe an oath to support the Constitution and laws of the United States and the State of Missouri and to faithfully demean themselves in office in the form prescribed by Section 11, Article VII of the Constitution of this State, and they shall each give bond to be approved by the supervisor of [liquor] **alcohol and tobacco** control for faithful performance of the duties of their respective offices and to safely keep and account for all moneys and property received by them. This bond shall be in the sum of five thousand dollars, and the cost of furnishing all such bonds shall be paid by the state.

4. Any agent, assistant, deputy or inspector of the [department of liquor] **division of alcohol and tobacco** control who shall violate the provisions of this chapter shall be immediately discharged.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 283, Page 13, Section 311.070, Line 383, by inserting after all of said line the following:

“(19) Wholesalers shall distribute consumer advertising specialties, equipment and supplies, nonrefrigeration dispensing accessories, permanent point-of-sale advertising materials, product display, promotion, and temporary point-of-sale advertising materials to their retailers in a fair and reasonable manner; and”; and

Further renumber the remaining subdivision accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 283, Page 27, Section 311.199, Lines 26-35, by striking all of said lines and inserting in lieu thereof the following:

“(2) To a licensed retailer by another licensed retailer if such intoxicating liquor was:

(a) Originally purchased from a wholesaler or distributor licensed by this state;

(b) Sold in the manufacturer’s original package;

(c) Sold to a retailer who retains a receipt of such purchase as proof that such liquor was purchased from a retailer licensed to make liquor sales in this state;

(d) Sold in an amount of no more than five cases of beer per week, no more than two-hundred and fifty-six ounces of liquor per week, or no more than twelve bottles of wine each containing no more than seven hundred and fifty milliliters of wine per week.”.

Senator Hoskins moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

Senator Burlison offered **SA 1 to SA 3:**

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3**

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 283, Page 1, Line 13, by striking the word “week” and inserting in lieu thereof the following: **“month”**; and further amend line 14 by striking the word “week” and inserting in lieu thereof the following: **“month”**; and further amend line 16 by striking the word “week” and inserting in lieu thereof the following: **“month”**.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 2 to SA 3:**

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 3**

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 283, Page 1, Line 16, by inserting after the word “week.” the following:

“Any licensed retailer selling intoxicating liquor to another licensed retailer shall sell such intoxicating liquor in compliance with requirements for sales by wholesalers under this chapter.”.

Senator May moved that the above amendment be adopted, which motion failed.

Senator Hoskins moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Schatz offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 283, Page 32, Section 311.293, Line 27, by inserting after all of said line the following:

“311.367. 1. The provisions of this section shall apply to all persons, firms, or corporations who own and operate more than one premises licensed to sell intoxicating liquor containing alcohol in excess of five percent by weight at retail.

2. Any person, firm, or corporation described in subsection 1 of this section, with the permission of the supervisor of alcohol and tobacco control, may designate one or more places in this state as a central warehouse to which intoxicating liquors ordered and purchased by a person, firm, or

corporation from licensed wholesalers in this state, upon mutual agreement between such wholesaler and person, firm, or corporation, may be delivered by licensed wholesalers in this state and at which intoxicating liquors so owned by a person, firm, or corporation may be stored.

3. Any person, firm, or corporation described in subsection 1 of this section who owns and stores intoxicating liquors in a central warehouse may transport or transfer all or any part of the intoxicating liquors so stored from the central warehouse in this state to any premises licensed to sell intoxicating liquors at retail which is owned and operated by the same person, firm, or corporation and which is located in the state; provided, however, beer and other intoxicating malt liquor are not transferred from the central warehouses to other retail licensed premises due to the perishability and limited life span of beer and intoxicating malt liquor, and due to the specific designated geographic areas for the beer and other intoxicating malt liquor wholesalers, which have been authorized by the brewers and approved by the supervisor of alcohol and tobacco control.”

Senator Schatz moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

Senator Schatz moved that **SA 4** be adopted, which motion failed on a standing division vote.

Senator Hough assumed the Chair.

Senator Hoskins moved that **SS** for **SB 283**, as amended, be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS** for **SB 283**, as amended, was declared perfected and ordered printed.

Senator Burlison moved that **SB 119**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 119**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 119

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof five new sections relating to telecommunication practices, with penalty provisions.

Was taken up.

Senator Burlison moved that **SCS** for **SB 119** be adopted, which motion prevailed.

On motion of Senator Burlison, **SCS** for **SB 119** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
March 22, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Todd P. Graves, Republican, 8460 Highway E, Edgerton, Platte County, Missouri 64444, as a member of the University of Missouri Board

of Curators, for a term ending January 1, 2027, and until his successor is duly appointed and qualified; vice, Phillip H. Snowden, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

March 22, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Keith A. Holloway, Republican, 2514 Saddle Ridge Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2025, and until his successor is duly appointed and qualified; vice, David L. Steelman, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

March 18, 2021

The Honorable Dave Schatz

President Pro Tem

Missouri Senate

State Capitol, Room 326

Jefferson City, MO 65101

Dear Mr. President:

Attached are corrected messages from the House of Representatives for the following House Bills:

HCS HB 362 (February 18, 2021)

HCS HB 59 (February 22, 2021)

HB 657 (March 1, 2021)

HCS HB 784 (March 4, 2021)

HB 578 (March 8, 2021)

HB 257 (March 11, 2021)

HB 624 (March 11, 2021)

HCS HB 811 (March 11, 2021)

HB 948 (March 11, 2021)

HCS HB 495 (March 11, 2021)

Respectfully submitted,
/s/ Dana Rademan Miller
Chief Clerk

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 362**, entitled:

An Act to repeal sections 610.021 and 610.023, RSMo, and to enact in lieu thereof two new sections relating to the sunshine law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 59**, entitled:

An Act to amend chapters 578 and 590, RSMo, by adding thereto two new sections relating to protection of first responders, with penalty provisions and a delayed effective date to certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 657**, entitled:

An Act to repeal sections 610.020, 610.021, and 610.023, RSMo, and to enact in lieu thereof three new sections relating to the sunshine law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 784**, entitled:

An Act to repeal sections 8.010, 8.170, 8.172, 8.177, and 8.178, RSMo, and to enact in lieu thereof eight new sections relating to capitol security.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 578**, entitled:

An Act to repeal section 301.147, RSMo, and to enact in lieu thereof two new sections relating to biennial motor vehicle registrations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 257**, entitled:

An Act to repeal section 304.050, RSMo, and to enact in lieu thereof one new section relating to Head Start school buses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 624**, entitled:

An Act to repeal sections 160.2700, 160.2705, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, and 209.610, RSMo, and to enact in lieu thereof fourteen new sections relating to educational opportunities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 811**, entitled:

An Act to repeal sections 169.070, 169.560, and 169.596, RSMo, and to enact in lieu thereof three new sections relating to teacher and school employee retirement systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 948**, entitled:

An Act to repeal sections 135.305, 135.686, and 348.436, RSMo, and to enact in lieu thereof three new sections relating to tax credits for agricultural purposes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 495**, entitled:

An Act to repeal sections 191.1145, 191.1146, 334.108, and 376.1900, RSMo, and to enact in lieu thereof five new sections relating to telemedicine services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 850**, entitled:

An Act to repeal section 116.160, RSMo, and to enact in lieu thereof one new section relating to constitutional amendments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 91**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF GUESTS

Senator Williams introduced to the Senate, John Bowman, St. Louis.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY—TUESDAY, MARCH 23, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 548

HB 139-Hudson

HB 670-Houx	HB 701-Black
HB 657-Trent	HB 624-Richey
HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 & 1097	HCS for HB 685
HB 63-Pike	HB 660-O'Donnell
HCS for HB 357	HCS for HB 583
HCS for HB 784	HCS for HB 811
HB 52-Schnelting	HB 948-Francis
HB 578-Bromley	HCS for HB 495
HCS for HJR 35	HB 767-Roden
HCS for HJRs 20, 2, 9 & 27	HB 201-McGill
HB 249-Ruth	HCS for HB 292
HCS#2 for HB 75	HB 554-Eggleston
HB 138-Pietzman	HB 151-Shields
HB 257-Evans	HB 333-Simmons
	HB 850-Wiemann

THIRD READING OF SENATE BILLS

1. SCS for SB 91-Riddle

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------|-------------------------------|
| 1. SB 149-Onder | 17. SB 5-Wieland, with SCS |
| 2. SJR 2-Onder, with SCS | 18. SB 36-Bernskoetter |
| 3. SB 137-Brattin | 19. SB 57-May, with SCS |
| 4. SB 108-Cierpiot, with SCS | 20. SB 354-Hoskins, with SCS |
| 5. SB 141-Bean | 21. SB 126-Brown, with SCS |
| 6. SB 163-Cierpiot | 22. SB 287-Crawford |
| 7. SB 40-Burlison, with SCS | 23. SB 282-Hegeman, with SCS |
| 8. SB 301-Bernskoetter, with SCS | 24. SB 202-Cierpiot, with SCS |
| 9. SB 333-Burlison | 25. SB 44-White |
| 10. SB 120-White, with SCS | 26. SB 71-Gannon, with SCS |
| 11. SB 327-Koenig | 27. SB 254-Riddle, with SCS |
| 12. SB 289-Brown, with SCS | 28. SB 94-Onder |
| 13. SB 176-Hough | 29. SB 206-Arthur |
| 14. SB 46-Hough | 30. SB 138-Brattin, with SCS |
| 15. SB 3-Hegeman | 31. SB 78-Beck |
| 16. SB 212-White | 32. SB 74-Bean, with SCS |

- | | |
|------------------------------------|-------------------------------|
| 33. SB 343-Brown | 48. SB 334-Bernskoetter |
| 34. SB 95-Onder, with SCS | 49. SB 96-Hoskins, with SCS |
| 35. SB 30-Cierpiot | 50. SB 183-O'Laughlin |
| 36. SB 134-O'Laughlin and Cierpiot | 51. SB 459-Brattin, with SCS |
| 37. SB 98-Hoskins, with SCS | 52. SB 198-Eigel, with SCS |
| 38. SB 360-Wieland, with SCS | 53. SJR 7-Eigel |
| 39. SB 45-Hough | 54. SB 114-Bernskoetter |
| 40. SB 65-Rehder, with SCS | 55. SB 316-Hough |
| 41. SB 253-Hegeman | 56. SB 372-Riddle |
| 42. SJR 12-Luetkemeyer | 57. SB 195-Koenig |
| 43. SB 131-Luetkemeyer | 58. SB 295-Crawford, with SCS |
| 44. SB 291-Brown | 59. SB 169-Burlison |
| 45. SB 306-Bernskoetter, with SCS | 60. SB 139-Bean |
| 46. SB 255-Riddle | 61. SB 204-Cierpiot, with SCS |
| 47. SB 404-Riddle | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 1-Hegeman | SB 47-Hough |
| SB 7-Riddle, with SS & SA 1 (pending) | SBs 53 & 60-Luetkemeyer, with SCS |
| SB 10-Schatz, with SS (pending) | SBs 55, 23 & 25-O'Laughlin, et al, with |
| SB 11-Schatz | SCS & SS for SCS (pending) |
| SBs 12, 20, 21, 31, 56, 67 & 68-Onder, | SB 63-Rehder |
| with SCS, SS for SCS & SA 5 | SB 100-Koenig, with SCS |
| (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SB 24-Eigel, with SS#2 (pending) | SB 179-Luetkemeyer |

CONSENT CALENDAR

Senate Bills

Reported 3/11

- | | |
|------------------------|--------------------------|
| SB 403-Onder, with SCS | SB 365-Wieland |
| SB 457-Rizzo, with SCS | SB 303-Gannon |
| SB 227-Arthur | SB 520-Roberts, with SCS |

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—TUESDAY, MARCH 23, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I delight to do Your will, O my God; Your law is within my heart.” (Psalm 40:8)

Heavenly Father, move our hearts with a peaceful calm that shows us the presence of Your grace in our lives. May we experience the flow of Your love through our souls as we interact with one another knowing You are truly present. Help us to stretch our capacity to love You and one another so no resentment or anger may be found in us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rowden offered Senate Resolution No. 169, regarding the Class 4 State Champion Boonville

High School Lady Pirates Girls Basketball Team, which was adopted.

Senator Mosely offered Senate Resolution No. 170, regarding Staff Sergeant Alexis Johnson Brice, Saint Louis County, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 171, regarding the Honorable Eugene Strobel, St. Martins, which was adopted.

Senator Rowden offered Senate Resolution No. 172, regarding Mary Paxton Keeley Elementary School Library, Columbia, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 173, regarding Betsy Byers, Jefferson City, which was adopted.

Senator O'Laughlin offered Senate Resolution No. 174, regarding the death of Pastor Edward Enoch Wright Jr., which was adopted.

Senator Schatz offered Senate Resolution No. 175, regarding the death of Joseph E. "Jebby" Bennett II, New Haven, which was adopted.

Senator Schatz offered Senate Resolution No. 176, regarding Lafayette High School, Wildwood, which was adopted.

On motion of Senator White, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Crawford.

SENATE BILLS FOR PERFECTION

Senator Luetkemeyer moved that **SB 53** and **SB 60**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 53** and **60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 53 and 60

An Act to repeal sections 84.400, 566.145, and 590.070, RSMo, and to enact in lieu thereof six new sections relating to law enforcement officers, with existing penalty provisions.

Was taken up.

Senator Luetkemeyer moved that **SCS** for **SBs 53** and **60** be adopted.

Senator Luetkemeyer offered **SS** for **SCS** for **SBs 53** and **60**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 53 and 60

An Act to repeal sections 84.400, 565.240, 566.145, 590.030, and 590.070, RSMo, and to enact in lieu thereof nine new sections relating to law enforcement officers, with penalty provisions.

Senator Luetkemeyer moved that **SS** for **SCS** for **SBs 53** and **60** be adopted.

President Kehoe assumed the Chair.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 and 60, Page 1, Section A, Line 5, by inserting after all of said line the following:

“57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed [fifty] **one hundred** thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of [fifty] **one hundred** thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund

shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff, or any other person specially appointed to serve in a county that receives funds under section 57.278, shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff, or any other person specially appointed to serve in a county that receives funds under section 57.278, under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

5. Sheriffs shall receive up to one hundred dollars for service of any summons, writ, or other order of the court in connection with any eviction proceeding, in addition to the charge for such service that each sheriff receives under this section. All of such charges shall be received by the sheriff who is requested to perform the service and shall be paid to the county treasurer in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. All charges shall be payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted.

Senator Luetkemeyer offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 and 60, Page 2, Line 59, by striking the opening and closing brackets and underline words on said line; and

Further amend said amendment page 3, line 63, by striking the opening and closing brackets and underline words on said line; and further amend line 86, by striking the words “one hundred” and inserting in lieu thereof the following: “**fifty**”.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 and 60, Page 8, Section 590.075, Line 13, by inserting after all of said line the following:

“590.192. 1. There is hereby established the “Critical Incident Stress Management Program” within the department of public safety. The program shall provide services for peace officers to assist

in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. For purposes of this section, a “critical incident” shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person’s physical integrity or the physical integrity of someone else.

2. All peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer’s commanding officer that he or she completed such check-in.

3. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure; or

(3) The person receiving services discloses information that is required to be reported under mandatory reporting laws.

4. (1) There is hereby created in the state treasury the “988 Public Safety Fund”, which shall consist of money appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. The director of public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

590.1265. 1. The provisions of this section shall be known and may be cited as the “Police Use of Force Transparency Act of 2021”.

2. For purposes of this section, the following terms mean:

(1) “Law enforcement agency”, the same meaning as defined in section 590.1040;

(2) “Peace officer”, the same meaning as defined in section 590.010;

(3) “Serious physical injury”, the same meaning as defined in section 556.061;

(4) “Use-of-force incident”, an incident in which:

(a) A fatality occurs that is connected to a use of force by a peace officer;

(b) Serious bodily injury occurs that is connected to a use of force by a peace officer; or

(c) In the absence of death or serious physical injury, a peace officer discharges a firearm at, or in the direction of, a person.

3. Starting on March 1, 2022, and at least annually thereafter, each law enforcement agency shall collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports.

4. Each law enforcement agency shall additionally report the data submitted under subsection 3 of this section to the department of public safety. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports.

5. The department of public safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data under this section. The standards and procedures shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the Federal Bureau of Investigation.

6. By March 1, 2023, and at least annually thereafter, the department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report on the department of public safety’s website. Such data shall be deemed a public record consistent with the provisions and exemptions contained in chapter 610.

7. The department of public safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated periodically thereafter, but not less than once every five years.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 and 60, Page 2, Section 84.575, Line 14, by inserting after “limit” the following: “**and within the boundaries of the state of Missouri**”.

Senator Bernskoetter assumed the Chair.

Senator Razer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Beck, Roberts, Schupp and Williams.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	Bernskoetter	Gannon	Hoskins	Hough	Mosley
Razer	Riddle	Rizzo	Roberts	Schupp	Washington	Williams—14

NAYS—Senators

Bean	Brattin	Brown	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Hegeman	Koenig	Luetkemeyer	O’Laughlin	Onder	Rehder
Rowden	Schatz	White	Wieland—18			

Absent—Senators

May	Moon—2
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Absent with leave—Senators—None

Vacancies—None

President Kehoe assumed the Chair.

Senator Washington offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 and 60, Page 2, Section 84.575, Line 14, by striking all of said line and inserting in lieu thereof the following: “**within twenty-five miles of the main office of the board of police commissioners.**”.

Senator Washington moved that the above amendment be adopted.

Senator Eslinger assumed the Chair.

Senator Luetkemeyer offered **SSA 1** for **SA 4**, entitled:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 and 60, Page 2, Section 84.575, Line 14, by striking all of said line and inserting in lieu thereof the following: “**within thirty miles from the nearest city limit and within the boundaries of the state of Missouri.**”.

Senator Luetkemeyer moved that the above substitute amendment be adopted, which motion prevailed, rendering **SA 4** moot.

Senator Luetkemeyer moved that **SS** for **SCS** for **SBs 53** and **60**, as amended, be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS** for **SCS** for **SBs 53** and **60**, as amended, was declared perfected and ordered printed.

President Kehoe assumed the Chair.

Senator Hegeman moved that **SB 1** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 1**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 1

An Act to repeal sections 190.800, 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

Was taken up.

Senator Hegeman moved that **SS** for **SB 1** be adopted.

Senator Wieland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1, Page 1, In the Title, Line 5, by striking “reimbursement allowance taxes” and inserting in lieu thereof the following: “MO HealthNet”; and

Further amend said bill, page 2, Section 198.439, line 2, by inserting after all of said line the following:

“208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children’s diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to

be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term “temporary leave of absence” shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians’ services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Subject to appropriation, up to twenty visits per year for services limited to examinations, diagnoses, adjustments, and manipulations and treatments of malpositioned articulations and structures of the body provided by licensed chiropractic physicians practicing within their scope of practice. Nothing in this subdivision shall be interpreted to otherwise expand MO HealthNet services;

(8) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(9) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(11) Home health care services;

(12) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include:

(a) Abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician’s professional judgment, the life of the mother would be endangered if the fetus were carried to term; **and**

(b) **Any drug or device approved by the federal Food and Drug Administration that may cause the destruction of, or prevent the implantation of, an unborn child, as defined in section 188.015;**

(13) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(14) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended,

if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(15) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(16) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and

revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(18) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(19) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's

responsible party prior to release of the reserved bed;

(20) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(21) Hospice care. As used in this subdivision, the term “hospice care” means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(24) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant’s home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant’s treating physician;

(25) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable

cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

- (1) Dental services;
- (2) Services of podiatrists as defined in section 330.010;
- (3) Optometric services as described in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term “hospice care” means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (15) and (16) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under

authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Koenig and Moon.

SA 1 was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Gannon	Hoskins	Koenig	Luetkemeyer	Moon	O’Laughlin
Onder	Rehder	Riddle	Rowden	Schatz	White	Wieland—21

NAYS—Senators

Arthur	Beck	Hegeman	Hough	May	Mosley	Razer
Rizzo	Roberts	Schupp	Washington	Williams—12		

Absent—Senator Brown—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Hegeman, **SB 1** with **SS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 227**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 283** and **SCS** for **SB 119**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 432**, entitled:

An Act to repeal sections 193.075 and 210.150, RSMo, and to enact in lieu thereof three new sections relating to the birth match program, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF GUESTS

Senator Hough introduced to the Senate, George Kimmons, Ozark; Amanda Kimmons, Ozark; Emma Alexander, Fordland; Lucas Alexander, Fordland; and Lane Baxter, Rogersville.

Senator Eslinger introduced to the Senate, Stan Coday, Seymour; Archie Daily, Norwood; and Chris Daily, Norwood.

Senator Crawford introduced to the Senate, Kevin Johansen, Lebanon; and Jamie Johansen, Lebanon.

Senator Mosley introduced to the Senate, Alexis Brice, Bellefontaine; and Yolonda Fountaine Henderson, Jennings.

Senator Riddle introduced to the Senate, Rachel Friederich, Collinsville.

Senator May introduced to the Senate, Mike McMillian; Michael Holmes; and James Clark.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 24, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 670-Houx
HB 657-Trent
HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097
HB 63-Pike
HCS for HB 357
HCS for HB 784
HB 52-Schnelting
HB 578-Bromley
HCS for HJR 35
HCS for HJRs 20, 2, 9 & 27
HB 249-Ruth
HCS#2 for HB 75
HB 138-Pietzman
HB 257-Evans
HB 701-Black

HB 624-Richey
HCS for HB 685
HB 660-O'Donnell
HCS for HB 583
HCS for HB 811
HB 948-Francis
HCS for HB 495
HB 767-Roden
HB 201-McGill
HCS for HB 292
HB 554-Eggleston
HB 151-Shields
HB 333-Simmons
HB 850-Wiemann
HS for HB 432

THIRD READING OF SENATE BILLS

SCS for SB 91-Riddle
SS for SB 283-Hoskins

SCS for SB 119-Burlison

SENATE BILLS FOR PERFECTION

1. SB 149-Onder
2. SJR 2-Onder, with SCS
3. SB 137-Brattin
4. SB 108-Cierpiot, with SCS
5. SB 141-Bean
6. SB 163-Cierpiot
7. SB 40-Burlison, with SCS
8. SB 301-Bernskoetter, with SCS
9. SB 333-Burlison
10. SB 120-White, with SCS
11. SB 327-Koenig
12. SB 289-Brown, with SCS
13. SB 176-Hough
14. SB 46-Hough
15. SB 3-Hegeman

16. SB 212-White
17. SB 5-Wieland, with SCS
18. SB 36-Bernskoetter
19. SB 57-May, with SCS
20. SB 354-Hoskins, with SCS
21. SB 126-Brown, with SCS
22. SB 287-Crawford
23. SB 282-Hegeman, with SCS
24. SB 202-Cierpiot, with SCS
25. SB 44-White
26. SB 71-Gannon, with SCS
27. SB 254-Riddle, with SCS
28. SB 94-Onder
29. SB 206-Arthur
30. SB 138-Brattin, with SCS

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|------------------------------------|-------------------------------|
| 31. SB 78-Beck | 47. SB 404-Riddle |
| 32. SB 74-Bean, with SCS | 48. SB 334-Bernskoetter |
| 33. SB 343-Brown | 49. SB 96-Hoskins, with SCS |
| 34. SB 95-Onder, with SCS | 50. SB 183-O'Laughlin |
| 35. SB 30-Cierpiot | 51. SB 459-Brattin, with SCS |
| 36. SB 134-O'Laughlin and Cierpiot | 52. SB 198-Eigel, with SCS |
| 37. SB 98-Hoskins, with SCS | 53. SJR 7-Eigel |
| 38. SB 360-Wieland, with SCS | 54. SB 114-Bernskoetter |
| 39. SB 45-Hough | 55. SB 316-Hough |
| 40. SB 65-Rehder, with SCS | 56. SB 372-Riddle |
| 41. SB 253-Hegeman | 57. SB 195-Koenig |
| 42. SJR 12-Luetkemeyer | 58. SB 295-Crawford, with SCS |
| 43. SB 131-Luetkemeyer | 59. SB 169-Burlison |
| 44. SB 291-Brown | 60. SB 139-Bean |
| 45. SB 306-Bernskoetter, with SCS | 61. SB 204-Cierpiot, with SCS |
| 46. SB 255-Riddle | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 1-Hegeman, with SS (pending) | SB 47-Hough |
| SB 7-Riddle, with SS & SA 1 (pending) | SBs 55, 23 & 25-O'Laughlin, et al, with |
| SB 10-Schatz, with SS (pending) | SCS & SS for SCS (pending) |
| SB 11-Schatz | SB 63-Rehder |
| SBs 12, 20, 21, 31, 56, 67 & 68-Onder, | SB 100-Koenig, with SCS |
| with SCS, SS for SCS & SA 5 (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SB 24-Eigel, with SS#2 (pending) | SB 179-Luetkemeyer |

CONSENT CALENDAR

Senate Bills

Reported 3/11

- | | |
|------------------------|--------------------------|
| SB 403-Onder, with SCS | SB 303-Gannon |
| SB 457-Rizzo, with SCS | SB 520-Roberts, with SCS |
| SB 365-Wieland | |

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 24, 2021

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

The Reverend Carl Gauck offered the following prayer:

“O continue your steadfast love to those who know you and your salvation to the upright of Heart!” (Psalm 36:10)

Father, You continue to show us Your patience with us and Your mercy manifest before us in the realization of Your grace and forgiveness, teaching us to be quick to forgive one another when times become heated and disagreements increase among us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

At the request of Senator Onder, **SB 149** was placed on the Informal Calendar.

At the request of Senator Onder, **SJR 2**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brattin, **SB 137** was placed on the Informal Calendar.

Senator Cierpiot moved that **SB 108**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 108**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 108

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to broadband infrastructure improvement districts.

Was taken up.

Senator Cierpiot moved that **SCS** for **SB 108** be adopted.

Senator Cierpiot offered **SS** for **SCS** for **SB 108**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 108

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to broadband infrastructure improvement districts.

Senator Cierpiot moved that **SS** for **SCS** for **SB 108** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 108, Page 1, In the Title, Lines 3-4, by striking “broadband infrastructure improvement districts” and inserting in lieu thereof the following: “telecommunications”; and

Further amend said bill and page, Section A, line 3, by inserting after all of said line the following:

“67.2680. The state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, upon the provision of satellite or streaming video service.”; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot moved that **SS** for **SCS** for **SB 108**, as amended, be adopted, which motion prevailed.

On motion of Senator Cierpiot, **SS** for **SCS** for **SB 108**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 228**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to recordings of certain school district meetings, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 273**, entitled:

An Act to amend chapter 329, RSMo, by adding thereto one new section relating to the practice of shampooing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 687**, entitled:

An Act to repeal section 307.380, RSMo, and to enact in lieu thereof one new section relating to motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 585**, entitled:

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to the right of sepulcher.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 76**, entitled:

An Act to repeal section 210.950, RSMo, and to enact in lieu thereof one new section relating to newborn safety incubators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator White, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred SS for SCS for **SB 108** and SS for SCS for **SBs 53** and **60**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Bean moved that **SB 141** be taken up for perfection, which motion prevailed.

Senator Bean offered SS for **SB 141**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 141

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to renewable natural gas.

Senator Bean moved that SS for **SB 141** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 141, Page 1, In the Title, Line 3, by striking “renewable natural gas” and inserting in lieu thereof the following: “energy management”; and

Further amend said bill, page 3, Section 386.895, line 78, by inserting after all of said line the following:

“643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, **except that no decentralized motor vehicle emissions inspection program shall be established in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.** The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305 **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction

amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. Section 7401, et seq., and the regulations promulgated thereunder.

2. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of Article IV, Section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 37.014 and chapter 34. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor

performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

Senator Bean raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Eigel, **SA 1** was withdrawn, rendering the point of order moot.

Senator Riddle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 141, Page 2, Section 386.895, Lines 33-34, by striking all of said lines and inserting in lieu thereof the following:

“2. The commission shall adopt rules for gas corporations to offer a voluntary renewable natural gas program. Rules adopted by”.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Burlison offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 141, Page 1, In the Title, Lines 2-3, by striking “renewable natural gas” and inserting in lieu thereof the following: “types of energy”; and

Further amend said bill and page, Section A, line 3 by inserting after all of said line the following:

“67.309. No political subdivision of this state, including any referenced in section 386.020, shall adopt an ordinance, resolution, regulation, code, or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Nothing in this section shall limit the ability of a political subdivision to choose utility services for properties owned by such political subdivision.”; and

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Bean moved that **SS** for **SB 141**, as amended, be adopted, which motion prevailed.

On motion of Senator Bean, **SS** for **SB 141**, as amended, was declared perfected and ordered printed.

At the request of Senator Cierpiot, **SB 163** was placed on the Informal Calendar.

Senator Burlison moved that **SB 40**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 40**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 40

An Act to repeal sections 260.373, 260.380, 260.437, 260.475, 260.520, 643.079, 644.057, and 644.079, RSMo, and to enact in lieu thereof nine new sections relating to the department of natural resources.

Was taken up.

Senator Burlison moved that **SCS** for **SB 40** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 40, Page 22, Section 643.079, Line 203, by inserting after all of said line the following:

“643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, **except that no decentralized motor vehicle emissions inspection program shall be established in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.** The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305 **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. Section 7401, et seq., and the regulations promulgated thereunder.

2. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate

and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of Article IV, Section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 37.014 and chapter 34. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

Senator Schatz offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 40, Page 1, Line

11, by inserting after the word “inhabitants” the following: **“or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants”**; and further amend line 18 by inserting after the word “inhabitants” the following: **“or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants”**.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Eigel moved that SA 1, as amended, be adopted, which motion prevailed.

Senator Hegeman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 40, Page 26, Section 644.079, Line 89, by inserting after all of said line the following:

“Section 1. The general assembly shall appropriate money to fund the North Central Missouri Regional Water Commission project to authorize the state to enter into a long-term commitment of money in the multipurpose water resource program fund established in section 256.440, provided that the total annual cost does not exceed one and one-half million dollars, and the total cost over the life of the contract does not exceed twenty four million dollars. The provisions of this section shall expire on August 28, 2025.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 40, Page 1, Section A, Line 5, by inserting after all of said line the following:

“253.387. 1. As provided in Article III, Section 48 of the Constitution of Missouri, the department of natural resources is hereby authorized to acquire by purchase, from funds appropriated or otherwise available to the department, or to acquire by gift, if such gift is unencumbered by any lien or mortgage, the Antioch Cemetery located at 2300 Antioch Road, Clinton, Missouri, to be operated and maintained by the division of state parks within the department of natural resources.

2. In acquiring this cemetery, which may include both real and personal property, the department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property. The department may contract for maintenance of the property.

3. The attorney general shall approve the form of the instrument of conveyance.

4. Upon acquisition of the property, the department shall allow for burials to continue in the same manner as they had been conducted prior to acquisition until all burial plots have been purchased.

The department shall charge no more than one hundred dollars per burial credited to the Antioch cemetery fund established in this section and shall not be liable for any additional costs associated with any burial.

5. (1) There is hereby created in the state treasury the “Antioch Cemetery Fund”, which shall consist of gifts, bequests, and moneys donated or collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Burlison moved that SCS for SB 40, as amended, be adopted, which motion prevailed.

On motion of Senator Burlison, SCS for SB 40, as amended, was declared perfected and ordered printed.

Senator Onder moved that SB 12, SB 20, SB 21, SB 31, SB 56, SB 67 and SB 68, with SCS, SS for SCS and SA 5 (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Onder, SS for SCS for SBs 12, 20, 21, 31, 56, 67 and 68 was withdrawn, rendering SA 5 moot.

Senator Onder offered SS No. 2 for SCS for SBs 12, 20, 21, 31, 56, 67 and 68, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 12, 20, 21, 31, 56, 67 and 68

An Act to repeal sections 77.530, 79.380, 192.300, 192.320, and 205.031, RSMo, and to enact in lieu thereof eleven new sections relating to public health, with existing penalty provisions and an emergency clause.

Senator Onder moved that SS No. 2 for SCS for SBs 12, 20, 21, 31, 56, 67 and 68 be adopted.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bernskoetter assumed the Chair.

Senator Onder moved that SS No. 2 for SCS for SBs 12, 20, 21, 31, 56, 67 and 68 be adopted, which motion prevailed.

Senator Onder moved that **SS No. 2** for **SCS** for **SBs 12, 20, 21, 31, 56, 67** and **68** be declared perfected and ordered printed.

Senator Hough requested a roll call vote be taken and was joined in his request by Senators Arthur, Razer, White, and Williams.

Senator Onder moved that **SS No. 2** for **SCS** for **SBs 12, 20, 21, 31, 56, 67** and **68** be declared perfected and ordered printed, which motion failed by the following vote:

YEAS—Senators

Brattin	Burlison	Eigel	Hegeman	Koenig	Luetkemeyer	Moon
Onder	Rowden	Schatz	Wieland—11			

NAYS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hough	May	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	White	Williams—19		

Absent—Senators

Hoskins	O’Laughlin	Rehder	Riddle—4
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Absent with leave—Senators—None

Vacancies—None

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 141** and **SCS** for **SB 40**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SS** for **SCS** for **SBs 53** and **60** and **SCS** for **SB 40** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Washington offered Senate Resolution No. 177, regarding Jackson “Jack” Bush, Jr., Kansas City, which was adopted.

Senator Riddle offered Senate Resolution No. 178, regarding the One Hundredth Birthday of Bertha Mae Clarke, Mexico, which was adopted.

Senator Riddle offered Senate Resolution No. 179, regarding James Roesner, Fulton, which was adopted.

INTRODUCTION OF GUESTS

Senator White introduced to the Senate, Richard Mosley, Hannah Mosley, Anodos Mosley, and Paul

Mosley, Stark City.

Senator Brown introduced to the Senate, his daughter, Kennedy Brown, Rolla.

Senator Mosley introduced to the Senate, Michael P. McMillan, Florissant.

Senator Hegeman introduced to the Senate, Shanda and Erik Durbin, King City.

Senator Crawford introduced to the Senate, Michaela Bentz, Buffalo; Gilbert and Naomi Dampier, Lebanon; Duke and Jeanette Dampier, Lebanon; Kathryn Pruitt, Lebanon; Glen and Karen Menley, Lebanon; and Teresa Russalo, Lebanon.

Senator Burlison introduced to the Senate, Pastor Donald McClintock, Springfield.

Senator Rehder introduced to the Senate, Reagan Tibbs; and Vanessa Tibbs, Middleton, Illinois.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-NINTH DAY—THURSDAY, MARCH 25, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 548

HB 139-Hudson

HB 670-Houx

HB 657-Trent

HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097

HB 63-Pike

HCS for HB 357

HCS for HB 784

HB 52-Schnelting

HB 578-Bromley

HCS for HJR 35

HCS for HJRs 20, 2, 9 & 27

HB 249-Ruth

HCS#2 for HB 75

HB 138-Pietzman

HB 257-Evans

HB 701-Black

HB 624-Richey

HCS for HB 685

HB 660-O'Donnell

HCS for HB 583

HCS for HB 811

HB 948-Francis

HCS for HB 495

HB 767-Roden

HB 201-McGill

HCS for HB 292

HB 554-Eggleston

HB 151-Shields

HB 333-Simmons
HB 850-Wiemann
HS for HB 432
HCS for HB 228

HB 273-Hannegan
HB 687-Riley
HB 585-Houx
HB 76-Murphy

THIRD READING OF SENATE BILLS

SCS for SB 91-Riddle
SS for SB 283-Hoskins
SCS for SB 119-Burlison
SS for SCS for SB 108-Cierpiot

SS for SCS for SBs 53 & 60-Luetkemeyer
(In Fiscal Oversight)
SS for SB 141-Bean
SCS for SB 40-Burlison (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 301-Bernskoetter, with SCS
2. SB 333-Burlison
3. SB 120-White, with SCS
4. SB 327-Koenig
5. SB 289-Brown, with SCS
6. SB 176-Hough
7. SB 46-Hough
8. SB 3-Hegeman
9. SB 212-White
10. SB 5-Wieland, with SCS
11. SB 36-Bernskoetter
12. SB 57-May, with SCS
13. SB 354-Hoskins, with SCS
14. SB 126-Brown, with SCS
15. SB 287-Crawford
16. SB 282-Hegeman, with SCS
17. SB 202-Cierpiot, with SCS
18. SB 44-White
19. SB 71-Gannon, with SCS
20. SB 254-Riddle, with SCS
21. SB 94-Onder
22. SB 206-Arthur

23. SB 138-Brattin, with SCS
24. SB 78-Beck
25. SB 74-Bean, with SCS
26. SB 343-Brown
27. SB 95-Onder, with SCS
28. SB 30-Cierpiot
29. SB 134-O’Laughlin and Cierpiot
30. SB 98-Hoskins, with SCS
31. SB 360-Wieland, with SCS
32. SB 45-Hough
33. SB 65-Rehder, with SCS
34. SB 253-Hegeman
35. SJR 12-Luetkemeyer
36. SB 131-Luetkemeyer
37. SB 291-Brown
38. SB 306-Bernskoetter, with SCS
39. SB 255-Riddle
40. SB 404-Riddle
41. SB 334-Bernskoetter
42. SB 96-Hoskins, with SCS
43. SB 183-O’Laughlin
44. SB 459-Brattin, with SCS

45. SB 198-Eigel, with SCS
46. SJR 7-Eigel
47. SB 114-Bernskoetter
48. SB 316-Hough
49. SB 372-Riddle

50. SB 195-Koenig
51. SB 295-Crawford, with SCS
52. SB 169-Burlison
53. SB 139-Bean
54. SB 204-Cierpiot, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)
SB 7-Riddle, with SS & SA 1 (pending)
SB 10-Schatz, with SS (pending)
SB 11-Schatz
SB 24-Eigel, with SS#2 (pending)
SB 47-Hough
SBs 55, 23 & 25-O'Laughlin, et al, with
SCS & SS for SCS (pending)

SB 63-Rehder
SB 100-Koenig, with SCS
SB 123-Hough, with SS & SA 2 (pending)
SB 137-Brattin
SB 149-Onder
SB 163-Cierpiot
SB 179-Luetkemeyer
SJR 2-Onder, with SCS

CONSENT CALENDAR

Senate Bills

Reported 3/11

SB 403-Onder, with SCS
SB 457-Rizzo, with SCS
SB 365-Wieland

SB 303-Gannon
SB 520-Roberts, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY—THURSDAY, MARCH 25, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

‘Do not, O Lord, withhold Your mercy from me; Let Your steadfast love and Your faithfulness keep me safe forever.’ (Psalm 40:11)

Lord God it has been another interesting week and we know with Your presence among us times of stress have been kept to a peaceful energy that we could tap into and find the wisdom to understand and manage the stress because Your grace has been with us. Keep us continually calm in our drive back to loved ones and may we share Your love with one another in Your presence this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 180, regarding Samuel A. King, Warrensburg, which was adopted.

Senator Arthur offered Senate Resolution No. 181, regarding Liberty High School, which was adopted.

Senator Arthur offered Senate Resolution No. 182, regarding Liberty Middle School, which was adopted.

Senator Arthur offered Senate Resolution No. 183, regarding Discovery Middle School library, Liberty, which was adopted.

Senator Washington offered Senate Resolution No. 184, regarding the death of Velma Ernestine Woodson, Kansas City, which was adopted.

Senator Gannon offered Senate Resolution No. 185, regarding Jaycee Lynn Foeller, De Soto, which was adopted.

Senator Gannon offered Senate Resolution No. 186, regarding the Class 2 State Champion Lady Whippets Girls Basketball Team, Ellington, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Giridhar Sriperumbudoor, Independent and Jennifer Ingraham, Independent, as members of the Missouri Community Service Commission;

Also,

Paul Cordia, Alex LeCure, Jill C. Irvin and Michelle L. Miller, as members of the Child Abuse and Neglect Review Board;

Also,

Brian D. Neuner, as a member of the Mental Health Commission;

Also,

Shanda Durbin, Independent, as a member of the Northwest Missouri State University Board of Regents;

Also,

Michael P. McMillan, Democrat, as a member of the Harris-Stowe State University Board of Regents; and

Abigail Pinegar-Rose, Republican, as a member of the State Lottery Commission.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 369**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 105**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 473**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 168**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schupp, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 434**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 465**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 227**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SJR 4**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 430**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 429**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 408**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 399**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 547**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SJR 16**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 182**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 361**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight,

submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 481**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 370**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 54**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 390**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 400**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

THIRD READING OF SENATE BILLS

SB 403, with **SCS**, introduced by Senator Onder, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to health care.

Was called from the Consent Calendar and taken up.

SCS for **SB 403**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 403

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to health care.

Was taken up.

Senator Onder moved that **SCS** for **SB 403** be adopted, which motion prevailed.

On motion of Senator Onder, **SCS** for **SB 403** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 457, with **SCS**, introduced by Senator Rizzo, entitled:

An Act to repeal section 210.201, RSMo, and to enact in lieu thereof one new section relating to Montessori schools, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 457**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 457

An Act to repeal section 210.201, RSMo, and to enact in lieu thereof one new section relating to Montessori schools, with an emergency clause.

Was taken up.

Senator Rizzo moved that **SCS** for **SB 457** be adopted, which motion prevailed.

On motion of Senator Rizzo, **SCS** for **SB 457** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
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Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators

Burlison Moon—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rizzo, title to the bill was agreed to.

Senator Rizzo moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 365, introduced by Senator Wieland, entitled:

An Act to repeal section 137.280, RSMo, and to enact in lieu thereof one new section relating to property tax assessment lists.

Was called from the Consent Calendar and taken up.

On motion of Senator Wieland, **SB 365** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 303, introduced by Senator Gannon, entitled:

An Act to repeal sections 287.170 and 287.180, RSMo, and to enact in lieu thereof two new sections relating to electronic transfer of workers' compensation benefits.

Was called from the Consent Calendar and taken up.

On motion of Senator Gannon, **SB 303** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gannon, title to the bill was agreed to.

Senator Gannon moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 520, with **SCS**, introduced by Senator Roberts, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

Was called from the Consent Calendar and taken up.

SCS for **SB 520**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 520

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

Was taken up.

Senator Roberts moved that **SCS** for **SB 520** be adopted, which motion prevailed.

On motion of Senator Roberts, **SCS** for **SB 520** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
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Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Roberts, title to the bill was agreed to.

Senator Roberts moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SCS for SB 91, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 91

An Act to repeal section 566.150, RSMo, and to enact in lieu thereof one new section relating to certain offenders of sex crimes, with existing penalty provisions.

Was taken up by Senator Riddle.

On motion of Senator Riddle, **SCS for SB 91** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SB 283, introduced by Senator Hoskins, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 283

An Act to repeal sections 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, 311.620 and 311.710, RSMo, and to enact in lieu thereof sixteen new sections relating to alcoholic beverages, with existing penalty provisions.

Was taken up.

On motion of Senator Hoskins, **SS for SB 283** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Eigel	Gannon	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Washington	White	Wieland

Williams—29

NAYS—Senators

Crawford	Eslinger	Hegeman	Moon	Schupp—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SCS for SB 119, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 119

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof five new sections relating to telecommunication practices, with penalty provisions.

Was taken up by Senator Burlison.

On motion of Senator Burlison, **SCS for SB 119** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Washington—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Burlison, title to the bill was agreed to.

Senator Burlison moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 108, introduced by Senator Cierpiot, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 108

An Act to amend chapters 67 and 71, RSMo, by adding thereto two new sections relating to telecommunications.

Was taken up.

On motion of Senator Cierpiot, **SS for SCS for SB 108** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Burlison	Eigel	Koenig	Moon	Onder	Roberts—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SB 141, introduced by Senator Bean, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 141

An Act to amend chapters 67 and 386, RSMo, by adding thereto two new sections relating to types of energy.

Was taken up.

On motion of Senator Bean, **SS** for **SB 141** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Rowden	Schatz	Washington	White	Wieland	Williams—28

NAYS—Senators

Arthur	May	Moon	Mosley	Roberts	Schupp—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bean, title to the bill was agreed to.

Senator Bean moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 542**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to the occupational therapy licensure compact.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 627**, entitled:

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, and 209.610, RSMo, and to enact in lieu thereof eleven new sections relating to savings accounts for education expenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 543**, entitled:

An Act to repeal sections 167.020 and 167.151, RSMo, and to enact in lieu thereof eleven new sections relating to admission of nonresident pupils, with a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills and Resolutions were read the 2nd time and referred to the Committees indicated:

HCS for **HB 548**—Judiciary and Civil and Criminal Jurisprudence.

HB 139—Small Business and Industry.

HB 670—General Laws.

HB 657—Governmental Accountability and Fiscal Oversight.

HCS for **HBs 1083, 1085, 1050, 1035, 1036, 873 & 1097**—Governmental Accountability and Fiscal Oversight.

HB 63—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 357**—Agriculture, Food Production and Outdoor Resources.

HCS for **HB 784**—Transportation, Infrastructure and Public Safety.

HB 52—General Laws.

HB 578—Transportation, Infrastructure and Public Safety.

HCS for **HJR 35**—Insurance and Banking.

HCS for **HJR 20, 2, 9 & 27**—Local Government and Elections.

HB 249—Economic Development.

HCS#2 for **HB 75**—Health and Pensions.

HB 138—Agriculture, Food Production and Outdoor Resources.

HB 257—Education.

HB 701—Health and Pensions.

HB 624—Education.

HCS for **HB 685**—Rules, Joint Rules, Resolutions and Ethics.

HB 660—Transportation, Infrastructure and Public Safety.

HCS for **HB 583**—Governmental Accountability and Fiscal Oversight.

HCS for HB 811—Health and Pensions.

HB 948—Economic Development.

HCS for HB 495—Health and Pensions.

HB 767—Commerce, Consumer Protection, Energy and the Environment.

HB 201—Transportation, Infrastructure and Public Safety.

HCS for HB 292—Judiciary and Civil and Criminal Jurisprudence.

HB 554—Ways and Means.

HB 151—Education.

HB 333—Local Government and Elections.

HB 850—Local Government and Elections.

INTRODUCTIONS OF GUESTS

Senator Williams introduced to the Senate, Katy Arbuthnot, Lillian Arbuthnot; and Raegan Arbuthnot; and Lillian and Raegan were made honorary pages.

President Kehoe introduced to the Senate, his daughter, Claire Kehoe; and her friend Bailey Lanier of Fayetteville, Arkansas.

Senator Roberts introduced to the Senate, T.D. El-Amin, St. Louis and Tommy Devitt, St. Louis.

Senator Eslinger introduced to the Senate, Sheriff of Webster County, Roy Cole.

On motion of Senator Rowden, the Senate adjourned under 4:00 p.m., Monday, March 29, 2021.

SENATE CALENDAR

FORTIETH DAY—MONDAY, MARCH 29, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 432

HCS for HB 228

HB 273-Hannegan

HB 687-Riley

HB 585-Houx

HB 76-Murphy

HB 542-Shields

HB 627-Patterson

HS for HCS for HB 543

THIRD READING OF SENATE BILLS

- | | |
|--|---|
| 1. SS for SCS for SBs 53 &
60-Luetkemeyer (In Fiscal Oversight) | 2. SCS for SB 40-Burlison (In Fiscal Oversight) |
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SENATE BILLS FOR PERFECTION

- | | |
|------------------------------------|-----------------------------------|
| 1. SB 301-Bernskoetter, with SCS | 34. SB 253-Hegeman |
| 2. SB 333-Burlison | 35. SJR 12-Luetkemeyer |
| 3. SB 120-White, with SCS | 36. SB 131-Luetkemeyer |
| 4. SB 327-Koenig | 37. SB 291-Brown |
| 5. SB 289-Brown, with SCS | 38. SB 306-Bernskoetter, with SCS |
| 6. SB 176-Hough | 39. SB 255-Riddle |
| 7. SB 46-Hough | 40. SB 404-Riddle |
| 8. SB 3-Hegeman | 41. SB 334-Bernskoetter |
| 9. SB 212-White | 42. SB 96-Hoskins, with SCS |
| 10. SB 5-Wieland, with SCS | 43. SB 183-O’Laughlin |
| 11. SB 36-Bernskoetter | 44. SB 459-Brattin, with SCS |
| 12. SB 57-May, with SCS | 45. SB 198-Eigel, with SCS |
| 13. SB 354-Hoskins, with SCS | 46. SJR 7-Eigel |
| 14. SB 126-Brown, with SCS | 47. SB 114-Bernskoetter |
| 15. SB 287-Crawford | 48. SB 316-Hough |
| 16. SB 282-Hegeman, with SCS | 49. SB 372-Riddle |
| 17. SB 202-Cierpiot, with SCS | 50. SB 195-Koenig |
| 18. SB 44-White | 51. SB 295-Crawford, with SCS |
| 19. SB 71-Gannon, with SCS | 52. SB 169-Burlison |
| 20. SB 254-Riddle, with SCS | 53. SB 139-Bean |
| 21. SB 94-Onder | 54. SB 204-Cierpiot, with SCS |
| 22. SB 206-Arthur | 55. SB 369-White |
| 23. SB 138-Brattin, with SCS | 56. SB 105-Crawford, with SCS |
| 24. SB 78-Beck | 57. SB 473-Brown |
| 25. SB 74-Bean, with SCS | 58. SB 168-Burlison |
| 26. SB 343-Brown | 59. SB 434-Washington |
| 27. SB 95-Onder, with SCS | 60. SB 465-Hoskins, with SCS |
| 28. SB 30-Cierpiot | 61. SB 174-Hough, with SCS |
| 29. SB 134-O’Laughlin and Cierpiot | 62. SB 227-Arthur |
| 30. SB 98-Hoskins, with SCS | 63. SJR 4-Koenig |
| 31. SB 360-Wieland, with SCS | 64. SB 318-May, with SCS |
| 32. SB 45-Hough | 65. SB 408-Wieland |
| 33. SB 65-Rehder, with SCS | 66. SB 399-Eigel |

67. SB 547-Hoskins, with SCS
68. SB 236-Hough, with SCS
69. SJR 16-Eslinger
70. SB 182-O'Laughlin
71. SB 361-Wieland

72. SB 481-Hough, et al
73. SB 370-Brown
74. SB 54-O'Laughlin, with SCS
75. SB 390-Luetkemeyer
76. SB 400-Onder, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 430, with SCS (Rehder)

2. HCS for HB 429, with SCS (Koenig)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)
SB 7-Riddle, with SS & SA 1 (pending)
SB 10-Schatz, with SS (pending)
SB 11-Schatz
SB 24-Eigel, with SS#2 (pending)
SB 47-Hough
SBs 55, 23 & 25-O'Laughlin, et al, with
SCS & SS for SCS (pending)

SB 63-Rehder
SB 100-Koenig, with SCS
SB 123-Hough, with SS & SA 2 (pending)
SB 137-Brattin
SB 149-Onder
SB 163-Cierpiot
SB 179-Luetkemeyer
SJR 2-Onder, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY—MONDAY, MARCH 29, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“He judges the world with righteousness; He judges the people with equity.” (Psalm 9:8)

Gracious God, we are thankful for our safe travel this day and the changing scenes as we commute here. We would ask that You preserve and protect us this day from all that would distract us from serving You. We pray that You will continue to give us Your spirit of wisdom, kindness and justice that all our interactions with each other and with those we serve may be expressions of true courtesy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 25, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gannon offered Senate Resolution No. 187, regarding the Class 1 State Champion South Iron

Panther's boys basketball team, Annapolis, which was adopted.

Senator Eslinger offered Senate Resolution No. 188, regarding Stanley D. Whitehurst, Marshfield, which was adopted.

Senator Moon offered the following resolution:

SENATE RESOLUTION NO. 189

Whereas, on March 13, 2020, Governor Michael L. Parson signed Executive Order 20-02 declaring a state of emergency in Missouri in response to the novel corona virus (COVID-19); and

Whereas, in the order, the Governor stated that he was invoking the provisions of Sections 44.100 and 44.110, RSMo, and declaring a state of emergency to "ensure the protection of the safety and welfare of the citizens of Missouri"; and

Whereas, under subdivision (1) of subsection 1 of Section 44.100, RSMo, "[t]he existence of an emergency may be proclaimed by the governor or by resolution of the legislature, if the governor in his proclamation, or the legislature in its resolution, finds that a natural or man-made disaster of major proportions has actually occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section"; and

Whereas, the Governor's declaration of a state of emergency was improper on the grounds that no natural or man-made disaster of major proportions has actually occurred within the state of Missouri as required under section 44.100, RSMo; and

Whereas, the Governor's declaration of a state of emergency unquestionably infringes upon Missouri citizens' rights under the Bill of Rights of the Missouri Constitution, in particular those granted under Article I, Sections 11, V, and IX; and

Whereas, Missouri citizens are free to personally take precautions aimed at mitigating the spread of COVID-19 and there is no need for overreaching governmental involvement; and

Whereas, under Section 44.100, RSMo, "[a]ny emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency";

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, under the authority granted under subdivision (2) of subsection 44.100, RSMo, hereby call for the immediate termination of Executive Order 20-02 and urge the House to call for the same; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Michael L. Parson.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 429**, with **SCS**, and **HCS** for **HB 430**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 53** and **60**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 53** and **60**, introduced by Senator Luetkemeyer, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 53 and 60

An Act to repeal sections 57.280, 84.400, 565.240, 566.145, 590.030, and 590.070, RSMo, and to enact in lieu thereof twelve new sections relating to law enforcement officers, with penalty provisions.

Was taken up.

On motion of Senator Luetkemeyer, **SS** for **SCS** for **SBs 53** and **60** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	White
Wieland	Williams—30					

NAYS—Senators

Arthur	Moon	Razer	Washington—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rehder moved that **SB 63** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Rehder offered **SS** for **SB 63**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 63

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to the monitoring of certain prescribed controlled substances, with penalty provisions.

Senator Rehder moved that **SS** for **SB 63** be adopted.

Senator Bernskoetter assumed the Chair.

Senator Moon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 63, Pages 1-9, Section 195.450, Lines 1-254, by striking all of said lines and inserting in lieu thereof the following:

“195.450. No county or other political subdivision of this state shall operate or maintain a prescription drug monitoring or tracking program or database. Any such program or database in

operation prior to or on August 28, 2021, shall cease operation within this state within thirty days of August 28, 2021.”.

Senator Moon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Eigel, Hoskins, Koenig and Riddle.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Brattin	Burlison	Crawford	Eigel	Hoskins	Koenig	Moon
O’Laughlin	Onder	Wieland—10				

NAYS—Senators

Arthur	Bernskoetter	Cierpiot	Eslinger	Hegeman	Luetkemeyer	May
Mosley	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Williams—19		

Absent—Senators

Bean	Beck	Brown	Gannon	Hough—5
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Absent with leave—Senators—None

Vacancies—None

Senator Brattin offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 63, Page 5, Section 195.450, Line 141, by inserting after all of said line the following:

“8. A prescriber shall utilize the program prior to prescribing any Schedule II, III, or IV controlled substance. The provisions of this subsection shall not apply in the following circumstances:

(1) During a medical emergency which, in the professional opinion of the prescriber, is likely to result in harm to the patient;

(2) When it is not reasonably possible to utilize the program due to circumstances beyond the control of the prescriber;

(3) When the patient has a terminal illness or resides in a facility licensed under chapter 198;

(4) When the patient is under the care of a hospital, as defined in section 197.020, or an ambulatory surgical center, as defined in section 197.200, that distributes controlled substances for the purpose of inpatient care or issues prescriptions for controlled substances at the time of discharge from the facility in which the prescription does not exceed a five-day supply; provided that such prescriber utilizes the program or ensures that the program has been utilized since the patient’s admission;

(5) When the controlled substance is administered directly to the patient in an emergency room setting; or

(6) When there is a previously established prescriber-patient relationship and a nonopioid

controlled substance, other than a benzodiazepine, is being prescribed.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Hough assumed the Chair.

Senator Brattin moved that the above amendment be adopted, which motion failed.

Senator Riddle offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 63, Page 9, Section 195.450, Line 254, by inserting after all of said line the following:

“338.710. 1. There is hereby created in the Missouri board of pharmacy the “RX Cares for Missouri Program”. The goal of the program shall be to promote medication safety and to prevent prescription drug abuse, misuse, and diversion in Missouri.

2. The board, in consultation with the department, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop or provide programs or education to promote medication safety or to suppress or prevent prescription drug abuse, misuse, and diversion in the state of Missouri. In no case shall the authorization include, nor the funds be expended for, any state prescription drug monitoring program including, but not limited to, such as are defined in 38 CFR 1.515. Funds disbursed to a state agency under this section may enhance, but shall not supplant, funds otherwise appropriated to such state agency.

3. The board shall be the administrative agency responsible for implementing the program in consultation with the department. The board and the department may enter into interagency agreements between themselves to allow the department to assist in the management or operation of the program. The board may award funds directly to the department to implement, manage, develop, or provide programs or education pursuant to the program.

4. After a full year of program operation, the board shall prepare and submit an evaluation report to the governor and the general assembly describing the operation of the program and the funds allocated. Unless otherwise authorized by the general assembly, the program shall expire on August 28, [2019] **2026.”**; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 63, Page 3, Section 195.450, Line 63, by inserting after all of said line the following:

“(4) The joint oversight task force shall be considered a public body and shall be subject to the provisions of chapter 610.”.

Senator Hoskins moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Moon, O’Laughlin and Onder.

President Kehoe assumed the Chair.

SA 4 was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Moon	Mosley	O’Laughlin	Onder	Rehder	Riddle
Rizzo	Roberts	Rowden	Schupp	White	Wieland	Williams—28

NAYS—Senators—None

Absent—Senators

Brown	Cierpiot	Eigel	Razer	Schatz	Washington—6
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Absent with leave—Senators—None

Vacancies—None

Senator Moon offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 63, Page 1, Section 195.450, Line 21, by inserting after the word “program” the following: “**and not including a chronic pain patient who has controlled substances prescribed for him or her for the treatment of such chronic pain**”.

Senator Moon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Hoskins, O’Laughlin and Onder.

Senator Moon offered **SA 1** for **SA 5**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Bill No. 63, Page 1, Line 3, by striking “chronic pain patient” and inserting in lieu thereof the following: “**patient with a chronic condition**”; and further amend line 5 of said amendment by striking “pain” and inserting in lieu thereof the following: “**condition**”; and

Further amend said bill and section, page 8, line 243, by inserting after “section” the following: “, **including provisions related to patients with chronic conditions**”.

Senator Moon moved that the above amendment be adopted, which motion failed.

SA 5 was again taken up.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bernskoetter	Brattin	Burlison	Crawford	Eigel	Hoskins	Koenig
Moon	Onder	Wieland—10				

NAYS—Senators

Arthur	Bean	Beck	Brown	Eslinger	Gannon	Hegeman
Hough	Luetkemeyer	May	Mosley	O’Laughlin	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Williams—23					

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

Senator Moon offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 63, Page 7, Section 195.450, Line 217, by inserting after all of said line the following:

“(3) Notwithstanding any provision of law to the contrary and in the case of any data breach of patient dispensation information submitted, collected, or accessed under this section, the state and the vendor shall each be liable to any patient whose dispensation information was improperly accessed for twenty thousand dollars per occurrence.”.

Senator Moon moved that the above amendment be adopted.

Senator Moon offered SA 1 to SA 6:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Bill No. 63, Page 1, Line 6, by striking the words “the state and the vendor shall each” and inserting in lieu thereof the following: **“the vendor shall”**.

Senator Moon moved that the above amendment be adopted, which motion failed.

SA 6 was again taken up.

Senator Luetkemeyer requested a roll call vote be taken on the adoption of SA 6. He was joined in his request by Senators Cierpiot, Hough, Rehder and Schatz.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Bernskoetter	Brattin	Burlison	Eigel	Hoskins	Koenig	Moon
O’Laughlin—8						

NAYS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hough	Luetkemeyer	May	Mosley	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—25			

Absent—Senator Onder—1

Absent with leave—Senators—None

Vacancies—None

Senator Rehder moved that **SS** for **SB 63**, as amended, be adopted, which motion prevailed.

On motion of Senator Rehder, **SS** for **SB 63**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
March 29, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Loran R. Coleman, 9515 Olmstead Road, Kansas City, Jackson County, Missouri 64134, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2021, and until her successor is duly appointed and qualified; vice, Judith Huntsman, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 29, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tyler Seth Johnson, Republican, 2436 County Road 1770, West Plains, Howell County, Missouri 65775, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2022, and until his successor is duly appointed and qualified; vice, Casey Gill, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 29, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bruce Lipe, Independent, 5326 Itaska Street, Saint Louis, Saint Louis City, Missouri 63109, as a member of the Missouri Fire Safety Education / Advisory Commission, for a term ending April 26, 2023, and until his successor is duly appointed and qualified; vice, Sal Monteleone, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

March 29, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dan Manley, Independent, 221 Southeast Windsboro Court, Lee's Summit, Jackson County, Missouri 64063, as a member of the Missouri Fire Safety Education / Advisory Commission, for a term ending April 26, 2024, and until his successor is duly appointed and qualified; vice, Timothy Dorsey, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

March 29, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randall Brian Walker, Republican, 27187 Private Road 2224, Shell Knob, Barry County, Missouri 65747, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2023, and until his successor is duly appointed and qualified; vice, Boyd L. Harris, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

March 29, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

R. Bradley Weaver, Independent, 1938 South Chapel Drive, Springfield, Greene County, Missouri 65809, as a member of the State Banking Board and Savings and Loan Board, for a term ending August 29, 2026, and until his successor is duly appointed and qualified; vice, RSMO, 361.097.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI

March 29, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lowell K. Wood III, 8445 South Laclede Station Road, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2024, and until his successor is duly appointed and qualified; vice, William Gratz, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 738**, entitled:

An Act to repeal sections 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.105, 115.107, 115.151, 115.157, 115.160, 115.205, 115.225, 115.237, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.302, 115.349, 115.417, 115.427, 115.435, 115.447, 115.652, 115.960, and 116.220, RSMo, and to enact in lieu thereof thirty-five new sections relating to elections, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 295**, entitled:

An Act to repeal section 590.060, RSMo, and to enact in lieu thereof three new sections relating to peace officer tuition reimbursement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 533**, entitled:

An Act to repeal sections 311.020, 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof fifteen new sections relating to intoxicating liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 834**, entitled:

An Act to repeal sections 338.015, 376.387, and 376.388, RSMo, and to enact in lieu thereof four new sections relating to payments for prescription drugs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 530**, entitled:

An Act to repeal sections 488.029 and 556.046, RSMo, and to enact in lieu thereof two new sections relating to criminal offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 557** and **560**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto sixteen new sections relating to the protection of children, with penalty provisions and an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS #2** for **HB 69**, entitled:

An Act to repeal sections 407.300 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to keeping records for the sale of metal, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 488**, entitled:

An Act to amend chapters 386 and 393, RSMo, by adding thereto two new sections relating to utilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 202**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to random acts of kindness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 387**, entitled:

An Act to repeal section 160.263, RSMo, and to enact in lieu thereof one new section relating to school district policies on restrictive behavioral interventions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 2**.

Emergency Clause Adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1123** and **1221**, entitled:

An Act to repeal sections 211.447, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof five new sections relating to the protection of children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 697**, entitled:

An Act to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof eight new sections relating to property assessment contracts for energy efficiency, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF GUESTS

Senator Williams introduced to the Senate, Chalana Scales, University of Missouri, Ferguson.

Senator Eslinger introduced to the Senate, members from the Greater Springfield Board of Realtors Leadership Academy; Brittany Haik, Jeff Kester, Antonio Serrano, Angie Mullings, Michael Jacques, Joel Gaisford, Barth Fraker, Joe Bex, Andy Simmons, Mary Jo Williams, Austin Robertson, Justin Sturdevant, Joy Bray, Paulina Najbar, Kate Andrews, Elaine Montgomery, and Laura Duckworth.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY—TUESDAY, MARCH 30, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 432	HS for HB 533
HCS for HB 228	HB 834-Wright
HB 273-Hannegan	HB 530-Evans
HB 687-Riley	HCS for HBs 557 & 560
HB 585-Houx	HCS#2 for HB 69
HB 76-Murphy	HB 488-Hicks
HB 542-Shields	HB 202-McGill
HB 627-Patterson	HB 387-Bailey
HS for HCS for HB 543	HCS for HBs 1123 & 1221
HS for HCS for HB 738	HCS for HB 697
HB 295-Roberts (161)	

THIRD READING OF SENATE BILLS

SCS for SB 40-Burlison (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------|----------------------------|
| 1. SB 301-Bernskoetter, with SCS | 6. SB 176-Hough |
| 2. SB 333-Burlison | 7. SB 46-Hough |
| 3. SB 120-White, with SCS | 8. SB 3-Hegeman |
| 4. SB 327-Koenig | 9. SB 212-White |
| 5. SB 289-Brown, with SCS | 10. SB 5-Wieland, with SCS |

- | | |
|------------------------------------|--------------------------------|
| 11. SB 36-Bernskoetter | 44. SB 459-Brattin, with SCS |
| 12. SB 57-May, with SCS | 45. SB 198-Eigel, with SCS |
| 13. SB 354-Hoskins, with SCS | 46. SJR 7-Eigel |
| 14. SB 126-Brown, with SCS | 47. SB 114-Bernskoetter |
| 15. SB 287-Crawford | 48. SB 316-Hough |
| 16. SB 282-Hegeman, with SCS | 49. SB 372-Riddle |
| 17. SB 202-Cierpiot, with SCS | 50. SB 195-Koenig |
| 18. SB 44-White | 51. SB 295-Crawford, with SCS |
| 19. SB 71-Gannon, with SCS | 52. SB 169-Burlison |
| 20. SB 254-Riddle, with SCS | 53. SB 139-Bean |
| 21. SB 94-Onder | 54. SB 204-Cierpiot, with SCS |
| 22. SB 206-Arthur | 55. SB 369-White |
| 23. SB 138-Brattin, with SCS | 56. SB 105-Crawford, with SCS |
| 24. SB 78-Beck | 57. SB 473-Brown |
| 25. SB 74-Bean, with SCS | 58. SB 168-Burlison |
| 26. SB 343-Brown | 59. SB 434-Washington |
| 27. SB 95-Onder, with SCS | 60. SB 465-Hoskins, with SCS |
| 28. SB 30-Cierpiot | 61. SB 174-Hough, with SCS |
| 29. SB 134-O'Laughlin and Cierpiot | 62. SB 227-Arthur |
| 30. SB 98-Hoskins, with SCS | 63. SJR 4-Koenig |
| 31. SB 360-Wieland, with SCS | 64. SB 318-May, with SCS |
| 32. SB 45-Hough | 65. SB 408-Wieland |
| 33. SB 65-Rehder, with SCS | 66. SB 399-Eigel |
| 34. SB 253-Hegeman | 67. SB 547-Hoskins, with SCS |
| 35. SJR 12-Luetkemeyer | 68. SB 236-Hough, with SCS |
| 36. SB 131-Luetkemeyer | 69. SJR 16-Eslinger |
| 37. SB 291-Brown | 70. SB 182-O'Laughlin |
| 38. SB 306-Bernskoetter, with SCS | 71. SB 361-Wieland |
| 39. SB 255-Riddle | 72. SB 481-Hough, et al |
| 40. SB 404-Riddle | 73. SB 370-Brown |
| 41. SB 334-Bernskoetter | 74. SB 54-O'Laughlin, with SCS |
| 42. SB 96-Hoskins, with SCS | 75. SB 390-Luetkemeyer |
| 43. SB 183-O'Laughlin | 76. SB 400-Onder, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 430, with SCS (Rehder)
(In Fiscal Oversight)

HCS for HB 429, with SCS (Koenig)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)	SB 100-Koenig, with SCS
SB 7-Riddle, with SS & SA 1 (pending)	SB 123-Hough, with SS & SA 2 (pending)
SB 10-Schatz, with SS (pending)	SB 137-Brattin
SB 11-Schatz	SB 149-Onder
SB 24-Eigel, with SS#2 (pending)	SB 163-Cierpiot
SB 47-Hough	SB 179-Luetkemeyer
SBs 55, 23 & 25-O’Laughlin, et al, with SCS & SS for SCS (pending)	SJR 2-Onder, with SCS

RESOLUTIONS

To be Referred

SR 189-Moon

✓

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY—TUESDAY, MARCH 30, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Love one another with mutual affection.” (Romans 12:10a)

Loving God, we continue to hear of the violent deaths and know that should not be. The lack of treating others with respect and caring plagues our nation separating us from one another and giving cause to treat others as non-persons. Help us hear the exhortation to love one another and honor that all are created by You. Help us to practice Your teachings and treat one another as You have shown us through Your love for us. Help us to fulfill the law You have placed before us with laws that bring equity and justice for each other. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 190, regarding the Class 3 State Champion Blair Oaks High School Falcons football team, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred SS for **SB 63**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Bernskoetter moved that **SB 301**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 301**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 301**

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the liability of prescribed burns.

Was taken up.

Senator Bernskoetter moved that **SCS** for **SB 301** be adopted.

Senator Bernskoetter offered **SS** for **SCS** for **SB 301**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 301**

An Act to repeal sections 270.170, 270.180, 270.260, 270.270, 270.400, 316.250, 528.725, 537.346, and 537.348, RSMo, and to enact in lieu thereof eleven new sections relating to land management, with penalty provisions and an emergency clause for a certain section.

Senator Bernskoetter moved that **SS** for **SCS** for **SB 301** be adopted.

Senator Moon raised the point of order that **SS** for **SCS** for **SB 301** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Eslinger assumed the Chair.

Senator Hegeman requested unanimous consent of the Senate to allow members of law enforcement to enter the Chamber with side arms, which request was granted.

Senator Brattin offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 301, Page 1, Section A, Line 6, by inserting after all of said line the following:

“253.387. 1. As provided in Article III, Section 48 of the Constitution of Missouri, the department of natural resources is hereby authorized to acquire by purchase, from funds appropriated or otherwise available to the department, or to acquire by gift, if such gift is unencumbered by any lien or mortgage, the Antioch Cemetery located at 2300 Antioch Road, Clinton, Missouri, to be operated and maintained by the division of state parks within the department of natural resources.

2. In acquiring this cemetery, which may include both real and personal property, the department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property. The department may contract for maintenance of the property.

3. The attorney general shall approve the form of the instrument of conveyance.

4. Upon acquisition of the property, the department shall allow for burials to continue in the same manner as they had been conducted prior to acquisition until all burial plots have been purchased. The department shall charge no more than one hundred dollars per burial credited to the Antioch cemetery fund established in this section and shall not be liable for any additional costs associated with any burial.

5. (1) There is hereby created in the state treasury the “Antioch Cemetery Fund”, which shall consist of gifts, bequests, and moneys donated or collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

Senator Burlison requested a roll call vote be taken and was joined in his request by Senators Beck, Eigel, Rizzo, and Schupp.

At the request of Senator Bernskoetter, SS for SCS for SB 301 was withdrawn, rendering SA 1 moot.

SCS for SB 301 was again taken up.

Senator Brattin offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 301, Page 1, In the Title, Lines 2-3, by striking

“the liability of prescribed burns” and inserting in lieu thereof the following: “land management”; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

“253.387. 1. As provided in Article III, Section 48 of the Constitution of Missouri, the department of natural resources is hereby authorized to acquire by purchase, from funds appropriated or otherwise available to the department, or to acquire by gift, if such gift is unencumbered by any lien or mortgage, the Antioch Cemetery located at 2300 Antioch Road, Clinton, Missouri, to be operated and maintained by the division of state parks within the department of natural resources.

2. In acquiring this cemetery, which may include both real and personal property, the department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property. The department may contract for maintenance of the property.

3. The attorney general shall approve the form of the instrument of conveyance.

4. Upon acquisition of the property, the department shall allow for burials to continue in the same manner as they had been conducted prior to acquisition until all burial plots have been purchased. The department shall charge no more than one hundred dollars per burial credited to the Antioch cemetery fund established in this section and shall not be liable for any additional costs associated with any burial.

5. (1) There is hereby created in the state treasury the “Antioch Cemetery Fund”, which shall consist of gifts, bequests, and moneys donated or collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Beck, Eigel, Rizzo, and Schupp.

President Kehoe assumed the Chair.

At the request of Senator Bernskoetter, **SB 301**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Burlison moved that **SB 333** be taken up for perfection, which motion prevailed.

Senator Burlison offered **SS** for **SB 333**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 333

An Act to repeal section 394.120, RSMo, and to enact in lieu thereof two new sections relating to nonprofit organizations.

Senator Burlison moved that **SS** for **SB 333** be adopted.

Senator Hough assumed the Chair.

Senator Beck offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 333, Page 3, Section 407.475, Lines 11-13, by striking said lines from the bill and inserting in lieu thereof the following: “**charitable organizations.**”.

Senator Beck moved that the above amendment be adopted.

Senator Crawford assumed the Chair.

Senator Onder offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 333, Page 3, Section 407.475, Lines 11-13, by striking said lines from the bill and inserting in lieu thereof the following: “**charitable organizations.**”.

3. This section shall not prohibit the department of labor and industrial relations or the state board of mediation from enforcing the provisions of sections 105.500 to 105.598.”.

Senator Onder moved that the above substitute amendment be adopted, which motion prevailed, rendering **SA 1** moot.

Senator Burlison moved that **SS** for **SB 333**, as amended, be adopted.

Senator Schupp requested a roll call vote be taken and was joined in her request by Senators Arthur, Mosley, Rizzo, and Williams.

SS for **SB 333**, as amended, was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senator Moon—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Burlison, **SS** for **SB 333**, as amended, was declared perfected and ordered printed.

Senator White moved that **SB 120**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 120**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 120

An Act to repeal sections 36.020, 379.122, 620.2005, and 620.2010, RSMo, and to enact in lieu thereof ten new sections relating to military affairs, with an emergency clause for certain sections.

Was taken up.

Senator White moved that **SCS** for **SB 120** be adopted.

Senator White offered **SS** for **SCS** for **SB 120**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 120

An Act to repeal sections 36.020, 379.122, 620.2005, and 620.2010, RSMo, and to enact in lieu thereof ten new sections relating to military affairs, with an emergency clause for certain sections.

Senator White moved that **SS** for **SCS** for **SB 120** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 5, Section 105.1204, Line 7, by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer’s federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer’s federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer’s federal tax liability pursuant to Public Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171;

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker

Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of

Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, “combat zone” means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; [and]

(i) Livestock Gross Margin Insurance Plan; [and]

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist; **and**

(12) One hundred percent of any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and 109, and any other military force organized under the laws of this state.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified

home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

143.124. 1. Other provisions of law to the contrary notwithstanding, for tax years ending on or before December 31, 2006, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, “annuity, pension, retirement benefit, or retirement allowance” shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction equal to the amounts provided under this section for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer’s filing status is single, head of household or qualifying widow(er) and the taxpayer’s Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer’s filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer’s filing status is married filing separately and the taxpayer’s Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, but ending on or before December 31, 2006, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand dollars of any retirement allowance received from any privately funded source for tax years

beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum of the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a maximum of the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

5. For purposes of this subsection, the term "maximum Social Security benefit available" shall mean thirty-two thousand five hundred dollars for the tax year beginning on or after January 1, 2007, and for each subsequent tax year such amount shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. For the tax year beginning on or after January 1, 2007, but ending on or before December 31, 2007, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or twenty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2008, but ending on or before December 31, 2008, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or thirty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2009, but ending on or before December 31, 2009, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or fifty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2010, but ending on or before December 31, 2010, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount

equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or sixty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2011, but ending on or before December 31, 2011, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or eighty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For all tax years beginning on or after January 1, 2012, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to one hundred percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is married filing combined, and their combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars; or

(2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or married filing separately, and the taxpayer's Missouri adjusted gross income is equal to or less than eighty-five thousand dollars.

6. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 5 of this section, such taxpayer shall be entitled to an exemption, less any applicable reduction provided under subsection 7 of this section, equal to the greater of zero or the maximum exemption provided in subsection 5 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

7. For purposes of calculating the subtraction provided in subsection 5 of this section, such subtraction shall be decreased by an amount equal to any Social Security benefit exemption provided under section 143.125.

8. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

9. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

10. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter but subject to taxation under Internal Revenue Code Section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

11. For purposes of this section, retirement benefits received shall not include any withdrawals from qualified retirement plans which are subsequently rolled over into another retirement plan.

12. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035.

13. The exemptions provided for in this section shall apply to any annuity, pension, or retirement allowance as defined in subsection 1 of this section to the extent that such amounts are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. This subsection shall not apply to any individual who qualifies under federal guidelines to be one hundred percent disabled.

[14. In addition to all other subtractions authorized in this section, for all tax years beginning on or after January 1, 2010, there shall be subtracted from Missouri adjusted gross income, determined under section 143.121, any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in Sections 101(3) and 109 of Title 32, United States Code, and any other military force organized under the laws of this state, to the extent such benefits are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. Such retirement benefits shall be subtracted as provided in the following schedule:

- (1) For the tax year beginning on January 1, 2010, fifteen percent of such retirement benefits;
- (2) For the tax year beginning on January 1, 2011, thirty percent of such retirement benefits;
- (3) For the tax year beginning on January 1, 2012, forty-five percent of such retirement benefits;
- (4) For the tax year beginning on January 1, 2013, sixty percent of such retirement benefits;
- (5) For the tax year beginning on January 1, 2014, seventy-five percent of such retirement benefits;
- (6) For the tax year beginning on January 1, 2015, ninety percent of such retirement benefits;
- (7) For tax years beginning on or after January 1, 2016, one hundred percent of such retirement benefits.]" and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 4, Section 36.221, Line 6, by inserting after all of said line the following:

"41.035. 1. There is hereby created and established as a department of state government, the "Missouri Department of the National Guard" headed by the adjutant general as provided in Article IV of the Constitution of Missouri, and this chapter and other chapters. The Missouri department of the National Guard shall administer the militia and programs of the state relating to military forces, except for the Missouri veterans commission which is assigned to the department of public safety as provided in chapters 42 and 650.

2. The office of adjutant general and the state militia are hereby transferred to the Missouri

department of the National Guard by a type I transfer as defined in section 1 of the Omnibus State Reorganization Act of 1974.

3. Nothing herein shall be construed to interfere with the powers and duties of the governor provided in Article IV, Section 6 of the Constitution of Missouri or this chapter.

4. Rules necessary to administer and implement this section may be established by the department. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act shall be invalid and void.”; and

Further amend said bill, Page 28, Section 620.2010, Line 239, by inserting after all of said line the following:

“650.005. 1. There is hereby created a “Department of Public Safety” in charge of a director appointed by the governor with the advice and consent of the senate. The department’s role will be to provide overall coordination in the state’s public safety and law enforcement program, to provide channels of coordination with local and federal agencies in regard to public safety, law enforcement and with all correctional and judicial agencies in regard to matters pertaining to its responsibilities as they may interrelate with the other agencies or offices of state, local or federal governments.

2. All the powers, duties and functions of the state highway patrol, chapter 43 and others, are transferred by type II transfer to the department of public safety. The governor by and with the advice and consent of the senate shall appoint the superintendent of the patrol. With the exception of sections 43.100 to 43.120 relating to financial procedures, the director of public safety shall succeed the state highways and transportation commission in approving actions of the superintendent and related matters as provided in chapter 43. Uniformed members of the patrol shall be selected in the manner provided by law and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to affect the funding of appropriations or the operation of chapter 104 relating to retirement system coverage or section 226.160 relating to workers’ compensation for members of the patrol.

3. All the powers, duties and functions of the supervisor of liquor control, chapter 311 and others, are transferred by type II transfer to the department of public safety. The supervisor shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor or director of the department as provided in section 311.670.

4. All the powers, duties and functions of the safety and fire prevention bureau of the department of public health and welfare are transferred by type I transfer to the director of public safety.

5. All the powers, duties and functions of the state fire marshal, chapter 320 and others, are transferred to the department of public safety by a type I transfer.

6. All the powers, duties and functions of the law enforcement assistance council administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and related acts of Congress are transferred by type I transfer to the director of public safety. The director of public safety shall appoint such

advisory bodies as are required by federal laws or regulations. The council is abolished.

7. The director of public safety shall promulgate motor vehicle regulations and be ex officio a member of the safety compact commission in place of the director of revenue and all powers, duties and functions relating to chapter 307 are transferred by type I transfer to the director of public safety.

8. [The office of adjutant general and the state militia are assigned to the department of public safety; provided, however, nothing herein shall be construed to interfere with the powers and duties of the governor as provided in Article IV, Section 6 of the Constitution of the state of Missouri or chapter 41.

9.] All the powers, duties and functions of the Missouri boat commission, chapter 306 and others, are transferred by type I transfer to the “Missouri State Water Patrol”, which is hereby created, in the department of public safety. The Missouri boat commission and the office of secretary to the commission are abolished. All deputy boat commissioners and all other employees of the commission who were employed on February 1, 1974, shall be transferred to the water patrol without further qualification. Effective January 1, 2011, all the powers, duties, and functions of the Missouri state water patrol are transferred to the division of water patrol within the Missouri state highway patrol as set out in section 43.390.

[10.] 9. The Missouri veterans’s commission, chapter 42, is assigned to the department of public safety.

[11.] 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend said bill and page, Section B, Line 9, by inserting after all of said line the following:

“Section C. The enactment of section 41.035 and the repeal and reenactment of section 650.005 of this act shall become effective only upon approval by the voters of an amendment to article IV of the Constitution of Missouri that establishes the Missouri department of the National Guard.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 120, Page 7, Section 160.710, Line 55, by inserting after all of said line the following:

“302.188. 1. A person may apply to the department of revenue to obtain a veteran designation on a driver’s license or identification card issued under this chapter by providing:

(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of “honorable” or “general under honorable conditions” that establishes the person’s service in the Armed Forces of the United States; or

(2) A United States Uniformed Services Identification Card, otherwise known as a DD Form 2, that

includes a discharge status of “retired” or “reserve retired” establishing the person’s service in the Armed Forces of the United States; or

(3) A United States Department of Veterans Affairs photo identification card; or

(4) A discharge document WD AGO 53, WD AGO 55, WD AGO 53-55, NAVPERS 553, NAVMC 78 PD, NAVCG 553, or DD 215 form that shows a discharge status of “honorable” or “general under honorable conditions”; and

(5) Payment of the fee for the driver’s license or identification card authorized under this chapter.

2. If the person is seeking a duplicate driver’s license with the veteran designation and his or her driver’s license has not expired, the fee shall be as provided under section 302.185.

3. The department of revenue [may determine the appropriate placement of] **shall place** the veteran designation on the **front of** driver’s licenses and identification cards authorized under this section and may promulgate the necessary rules for administration of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Eslinger moved that the above amendment be adopted, which motion prevailed.

Senator White moved that **SS for SCS for SB 120**, as amended, be adopted, which motion prevailed.

On motion of Senator White, **SS for SCS for SB 120**, as amended, was declared perfected and ordered printed.

President Kehoe assumed the Chair.

Senator Koenig moved that **SB 327** be taken up for perfection, which motion prevailed.

Senator Koenig offered **SS for SB 327**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 327

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

Senator Koenig moved that **SS for SB 327** be adopted.

Senator Schupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 327, Pages 42-47, Section 453.030, Lines 1-137, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Arthur offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 327, Page 5, Section 135.327, Line 71, by striking the word “five” and inserting in lieu thereof the following: “**six**”; and further amend line 72, by striking the words “, but may be increased by appropriation.”.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SB 327**, as amended, be adopted, which motion prevailed.

On motion of Senator Koenig, **SS** for **SB 327**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 333**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 2**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SS** for **SB 63** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 191, regarding Sergeant Russell Graham, Laddonia, which was adopted.

Senator Hegeman offered Senate Resolution No. 192, regarding Liberty North High School, which was adopted.

Senator Hegeman offered Senate Resolution No. 193, regarding the Sixty-fifth Wedding Anniversary of Charles and Joan O'Reilly, Putnam County, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 194, regarding the Sixtieth Wedding Anniversary of John and Martha Anderson, St. Joseph, which was adopted.

Senator Crawford offered Senate Resolution No. 195, regarding the death of JoAnn Marie Cooper, Sedalia, which was adopted.

INTRODUCTION OF GUESTS

Senator Brown introduced to the Senate, Joshua Goss, Jefferson City; Kelli Kelly, Strafford; Kyle Hathman, St. Louis; and Thomas A. “TK” Kolb, Jefferson City.

Senator Hegeman introduced to the Senate, Sheriff Grant Gillett, Andrew; Sheriff Randy Strong, Nodaway; Sheriff Kasey Keesman, DeKalb; Chief Deputy Tracy Neill, DeKalb; and Chief Deputy Josh Smith, Andrew.

Senator Washington introduced to the Senate, Mayor Quinton Lucas, Kansas City.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SECOND DAY—WEDNESDAY, MARCH 31, 2021

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HS for HB 432
HCS for HB 228
HB 273-Hannegan
HB 687-Riley
HB 585-Houx
HB 76-Murphy
HB 542-Shields
HB 627-Patterson
HS for HCS for HB 543
HS for HCS for HB 738
HB 295-Roberts

HS for HB 533
HB 834-Wright
HB 530-Evans
HCS for HBs 557 & 560
HCS#2 for HB 69
HB 488-Hicks
HB 202-McGill
HB 387-Bailey
HCS for HBs 1123 & 1221
HCS for HB 697

THIRD READING OF SENATE BILLS

SCS for SB 40-Burlison
(In Fiscal Oversight)
SS for SB 63-Rehder
(In Fiscal Oversight)

SS for SB 333-Burlison

SENATE BILLS FOR PERFECTION

1. SB 289-Brown, with SCS
2. SB 176-Hough
3. SB 46-Hough
4. SB 3-Hegeman
5. SB 212-White
6. SB 5-Wieland, with SCS
7. SB 36-Bernskoetter
8. SB 57-May, with SCS
9. SB 354-Hoskins, with SCS
10. SB 126-Brown, with SCS
11. SB 287-Crawford
12. SB 282-Hegeman, with SCS
13. SB 202-Cierpiot, with SCS
14. SB 44-White
15. SB 71-Gannon, with SCS
16. SB 254-Riddle, with SCS
17. SB 94-Onder
18. SB 206-Arthur
19. SB 138-Brattin, with SCS
20. SB 78-Beck
21. SB 74-Bean, with SCS
22. SB 343-Brown
23. SB 95-Onder, with SCS
24. SB 30-Cierpiot
25. SB 134-O'Laughlin and Cierpiot
26. SB 98-Hoskins, with SCS
27. SB 360-Wieland, with SCS
28. SB 45-Hough
29. SB 65-Rehder, with SCS
30. SB 253-Hegeman
31. SJR 12-Luetkemeyer
32. SB 131-Luetkemeyer
33. SB 291-Brown
34. SB 306-Bernskoetter, with SCS
35. SB 255-Riddle
36. SB 404-Riddle
37. SB 334-Bernskoetter
38. SB 96-Hoskins, with SCS
39. SB 183-O'Laughlin
40. SB 459-Brattin, with SCS
41. SB 198-Eigel, with SCS
42. SJR 7-Eigel
43. SB 114-Bernskoetter
44. SB 316-Hough
45. SB 372-Riddle
46. SB 195-Koenig
47. SB 295-Crawford, with SCS
48. SB 169-Burlison
49. SB 139-Bean
50. SB 204-Cierpiot, with SCS
51. SB 369-White
52. SB 105-Crawford, with SCS
53. SB 473-Brown
54. SB 168-Burlison
55. SB 434-Washington
56. SB 465-Hoskins, with SCS
57. SB 174-Hough, with SCS
58. SB 227-Arthur
59. SJR 4-Koenig
60. SB 318-May, with SCS
61. SB 408-Wieland
62. SB 399-Eigel
63. SB 547-Hoskins, with SCS
64. SB 236-Hough, with SCS
65. SJR 16-Eslinger
66. SB 182-O'Laughlin
67. SB 361-Wieland
68. SB 481-Hough, et al
69. SB 370-Brown
70. SB 54-O'Laughlin, with SCS
71. SB 390-Luetkemeyer
72. SB 400-Onder, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 430, with SCS (Rehder)
(In Fiscal Oversight)

HCS for HB 429, with SCS (Koenig)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)
SB 7-Riddle, with SS & SA 1 (pending)
SB 10-Schatz, with SS (pending)
SB 11-Schatz
SB 24-Eigel, with SS#2 (pending)
SB 47-Hough
SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending)
SB 100-Koenig, with SCS

SB 123-Hough, with SS & SA 2 (pending)
SB 137-Brattin
SB 149-Onder
SB 163-Cierpiot
SB 179-Luetkemeyer
SB 301-Bernskoetter, with SCS &
SA 1 (pending)
SJR 2-Onder, with SCS

RESOLUTIONS

To be Referred

SR 189-Moon

✓

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY—WEDNESDAY, MARCH 31, 2021

The Senate met pursuant to adjournment.

Senator Crawford in the Chair.

The Reverend Carl Gauck offered the following prayer:

“God has not given us the spirit of fear, but rather a spirit of power and of love and of disciplined mind.” (2 Timothy 1:7)

Almighty God, help us to see that there is nothing mutually exclusive about using our hearts and our minds for they often help us to make the best of all possible decisions. And help us, Lord, to strive for a balance between boldness and love, between power and wise discretion so we act with wholesome ways that produce equity and justice for all we encounter this day. And we pray that the product of our efforts with one another will aid the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 196, regarding Lawson Stafford, Gladstone, which was

adopted.

Senator Arthur offered Senate Resolution No. 197, regarding Wyatt Loar, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 198, regarding Kai Jones, Gladstone, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 199, regarding the Class 3 State Champion Fatima Comets Cross Country Team, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 200, regarding the Class 1 State Champion Vienna High School Lady Eagles softball team, which was adopted.

Senator Washington offered Senate Resolution No. 201, regarding the death of Alvin Lee Sykes, which was adopted.

REFERRALS

President Pro Tem Schatz referred **SR 189** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 327**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 120**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Brown moved that **SB 289**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 289**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 289

An Act to repeal sections 590.030 and 590.118, RSMo, and to enact in lieu thereof two new sections relating to peace officer license requirements.

Was taken up.

Senator Brown moved that **SCS** for **SB 289** be adopted.

Senator Brown offered **SS** for **SCS** for **SB 289**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 289

An Act to repeal section 590.030, RSMo, and to enact in lieu thereof one new section relating to peace officer license requirements.

Senator Brown moved that **SS** for **SCS** for **SB 289** be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **SCS** for **SB 289**, was declared perfected and ordered printed.

Senator Hough moved that **SB 176** be taken up for perfection, which motion prevailed.

Senator Hough offered **SS** for **SB 176**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 176

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to personal delivery devices.

Senator Hough moved that **SS** for **SB 176** be adopted.

Senator Razer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 176, Page 3, Section 304.900, Line 74, by inserting after all of said line the following:

“10. A personal delivery device operator may not sell or disclose a personally identifiable likeness to a third party in exchange for monetary compensation. For purposes of this section, a personally identifiable likeness includes photographic images, videos, digital image files, or other digital data that can be used to either directly or indirectly identify an individual. “Personally identifiable likeness” does not include aggregated or anonymized data. The use of any personally identifiable likeness by a personal delivery device operator to improve their products and services is allowed under this section. Information that would otherwise be protected under this section as confidential shall only be provided to a law enforcement entity with a properly executed, lawful subpoena.”.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Arthur offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 176, Page 2, Section 304.900, Line 44, by striking the words “rights and”.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Hough moved that **SS** for **SCS** for **SB 176**, as amended, be adopted, which motion prevailed.

On motion of Senator Hough, **SS** for **SCS** for **SB 176**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 529**, entitled:

An Act to repeal section 414.152, RSMo, and to enact in lieu thereof two new sections relating to biodiesel fuel, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HRB 1**, entitled:

An Act to repeal sections 32.088, 67.5125, 99.1205, 103.175, 103.178, 104.403, 104.404, 105.721, 130.034, 135.313, 135.710, 135.750, 135.980, 136.450, 143.173, 143.1008, 143.1009, 143.1013, 143.1014, 143.1017, 160.405, 160.500, 161.825, 161.1055, 163.024, 171.034, 172.287, 173.236, 173.680, 173.2510, 178.697, 184.384, 190.450, 191.425, 191.743, 191.950, 192.926, 199.020, 208.053, 208.169, 208.244, 208.627, 210.154, 210.1030, 215.263, 217.147, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955, 260.960, 260.965, 288.501, 319.140, 320.093, 332.304, 334.153, 338.320, 393.1073, 414.407, 454.433, 454.470, 454.490, 454.849, 476.1000, 488.426, 559.117, 620.570, 620.1910, 620.2100, 630.717, 633.420, 640.030, and 660.512, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof fifteen new sections for the sole purpose of repealing expired, terminated, sunset, and obsolete statutes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Hough moved that **SB 46** be taken up for perfection, which motion prevailed.

Senator Hough offered **SS** for **SB 46**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 46

An Act to repeal sections 301.558 and 307.380, RSMo, and to enact in lieu thereof two new sections relating to vehicles.

Senator Hough moved that **SS** for **SB 46** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 46, Page 1, In the Title, Line 4, by striking “vehicles” and inserting in lieu thereof the following: “transportation”; and

Further amend said bill, page 5, Section 307.380, line 32, by inserting after all of said line the following:

“Section 1. No entity in this state shall require documentation of an individual having received a vaccination against any disease in order for the individual to access transportation systems or services, including but not limited to buses, air travel, rail travel, taxicab or limousine services, prearranged rides as defined in section 387.400, other public transportation, or any public transportation facilities, including but not limited to bus and airport facilities.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Hoskins, Moon and Onder.

Senator Razer offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 46, Page 1, Section 1, Line 14, by inserting after the word “facilities” the following: “, **and no such system, service, or facility shall discriminate against any person based on sexual orientation or gender identity**”.

Senator Razer moved that the above amendment be adopted.

Senator Eigel requested a roll call vote be taken and was joined in his request by Senators Brattin, Burlison, Koenig and Onder.

SA 1 to **SA 1** failed of adoption by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brown	Hegeman	Hough	May
Mosley	Razer	Rizzo	Roberts	Rowden	Schupp	Washington
Williams—15						

NAYS—Senators

Brattin	Burlison	Cierpiot	Crawford	Eigel	Eslinger	Gannon
Hoskins	Koenig	Moon	O’Laughlin	Onder	Rehder	Riddle
White	Wieland—16					

Absent—Senators

Bernskoetter	Luetkemeyer	Schatz—3
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Absent with leave—Senators—None

Vacancies—None

SA 1 was again taken up.

SA 1 was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	O’Laughlin	Onder	Rehder	Riddle	Rowden
Schatz	White	Wieland—24				

NAYS—Senators

Arthur	Beck	Moon	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 46, Page 5, Section 307.380, Line 32, by inserting after all of said line the following:

“407.296. As used in sections 407.296 to 407.303, the following terms mean:

(1) “Catalytic converter”, a device designed for use in a vehicle for purposes of chemically converting harmful exhaust gases, produced by the internal combustion engine, into harmless carbon dioxide and water vapor;

(2) “Copper property”, any insulated copper wire, copper tubing, copper guttering and downspouts, or any item composed completely of copper;

(3) “Copper property peddler”, any person who sells or attempts to sell copper property and who is not either a licensed or certified tradesperson or does not hold a business license issued by a city, municipality, or county;

(4) “Ferrous metals”, metals which contain iron and are magnetic;

(5) “HVAC component”, any air conditioner evaporator coil or condenser used in connection with a residential, commercial, or industrial building;

(6) “Nonferrous metals”, metals which do not contain significant amounts of iron and are not magnetic, such as aluminum, brass, lead, zinc, and copper;

(7) “Scrap metal dealer”, any entity, including any person, firm, company, partnership, association, or corporation, located in this state who purchases products containing ferrous or nonferrous metals for recycling;

(8) “Vehicle repair shop”, any commercial facility engaged in the repair or replacement of car, truck, van, motorcycle, or other motorized mechanical and exhaust components, whether as a primary or ancillary activity.

407.297. 1. No person shall engage in the business of a copper property peddler in a city not within a county without first obtaining a license from the governing municipality and complying with the provisions of this section.

2. The municipality issuing the license shall determine the license fee. The license shall expire June thirtieth of each year. Each license shall bear a separate number, the name and address of the licensee, and telephone number of the licensee. The license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit his or her license to be used by any other person, and any other person who shall use a license granted to another person, shall each be deemed guilty of a violation of this section.

3. Application for a license under this section shall be made in writing to the governing municipality and shall state the name, age, description, and address of the applicant. The application shall include a sworn statement setting forth each and every conviction of the applicant for violations of federal, state, or municipal laws, statutes, or ordinances. In addition, the applicant shall, at his or her expense, obtain a complete copy of the applicant’s criminal record as indicated by the records of a law enforcement agency and submit such record as part of the application. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last twenty-four months prior to the date of the application.

4. The municipality shall have the power and authority to revoke any license under this section for any willful violation of this section, section 407.298, or section 407.299 by a copper property peddler, provided the licensee has been notified in writing at his or her place of business of the violations complained of and shall have been afforded a reasonable opportunity to have a hearing.

407.298. 1. A scrap metal dealer shall pay for any copper property or HVAC component as follows:

(1) A scrap metal dealer shall not pay cash for any copper property or HVAC component unless the seller presents, or the scrap metal dealer has on file, a valid business license, or a valid trade license or trade certificate recognized by a national trade association or organization;

(2) Payment to any seller of copper property or HVAC component who presents a valid copper property peddler’s license shall be by check. Checks shall be written to the licensee or certified tradesperson and may be delivered to the seller at the time of the sale;

(3) Payment to any seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license, or certificate or valid copper peddler’s license shall be by check. Checks shall be payable only to the person whose name was recorded as delivering the copper property or HVAC component to the scrap metal dealer; provided, however, that if such person is delivering the copper property or HVAC component on behalf of a governmental entity or a nonprofit or for profit business entity, the check may be payable to such entity. All checks issued to a seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license, or valid copper peddler’s license shall be mailed via the United States mail to the address provided on the driver’s license or photo identification issued by the state

provided by the seller;

(4) Checks shall not be converted to cash by a scrap metal dealer or by any related entity.

2. This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business or is a political subdivision.

407.299. 1. If a scrap metal dealer has actual knowledge that copper property or a HVAC component in its possession has been stolen, the dealer shall notify a law enforcement agency via 911 and provide any information in its possession relative to the seller or the sale transaction.

2. Following notice from the scrap metal dealer, or if the law enforcement agency has reasonable suspicion that the scrap metal dealer is in possession of stolen property, the law enforcement agency may issue to the scrap metal dealer a written notice placing a ten-day hold order on the property.

3. (1) It is unlawful for any person to knowingly present for sale to a scrap metal dealer stolen ferrous or nonferrous metal, including but not limited to, copper property or HVAC components. Any person who knowingly presents for sale stolen ferrous or nonferrous metal shall be guilty of a separate offense for each item of scrap metal and shall upon conviction be subject to a fine of not less than five hundred dollars or by imprisonment for a period not to exceed ninety days or both fine and imprisonment.

(2) It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or otherwise injure any personal or real property owned by a third party, including any fixtures or improvements, for the purpose of obtaining ferrous or nonferrous metals in any amount. Any person who willfully and maliciously cuts, mutilates, defaces, or otherwise injures any personal or real property owned by a third party for the purpose of obtaining ferrous or nonferrous metal shall be guilty of a separate offense for each item of scrap metal derived from such actions and shall upon conviction be subject to a fine of not less than five hundred dollars or by imprisonment for a period not to exceed ninety days or both fine and imprisonment.

(3) In addition to the penalties described in this subsection, a copper property peddler's license shall be revoked if he or she knowingly violates sections 407.296 to 407.300.

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of material subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) Catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

2. The record required by this section shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;

(2) The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The date, time, and place of the transaction;

(4) The license plate number of the vehicle used by the seller during the transaction;

(5) A full description of the material, including the weight and purchase price.

3. The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement officer.

4. Anyone convicted of violating [this section] **subsections 1 to 5 of this section** shall be guilty of a class B misdemeanor. **Subsections 1 to 5 of this section shall not apply to a city not within a county.**

5. [This section] **Subsections 1 to 4 of this section** shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

6. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of material, which includes ferrous and nonferrous metals, subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) Catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

7. The record required by subsections 6 to 18 of this section shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;

(2) The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The date, time, and place of the transaction;

(4) The license plate number of the vehicle used by the seller during the transaction;

(5) A full description of the material, including the weight and purchase price, any business license number or the copper property peddler's license (including the name of the issuing municipality), amount paid, and license plate number of the vehicle delivering the material. The information shall be completed in full without any missing data or information described in this subsection.

8. The records required under subsections 6 to 18 of this section shall be maintained for a period of three years from when such material is obtained and shall be available for inspection by any law enforcement officer. All records required under subsections 6 to 18 of this section shall be photocopied and maintained for three years from the date of the transaction.

9. Any person selling copper property who holds a valid business license or copper property peddler's license shall present a copy of such license to the scrap metal dealer.

10. A transaction receipt shall be issued and consist of the same information required under subsection 6 of this section and shall include the following statement: "By accepting payment from (insert name of scrap metal dealer), seller represents and warrants that the material documented by this receipt is owned by the seller or was lawfully obtained, and the seller has the legal right to sell the material to (insert name of scrap metal dealer)." If the seller provides any documentation indicating that the seller is in lawful possession of the scrap metal, or was otherwise lawfully acquired, including without limitation a bill of sale or receipt, the scrap metal dealer shall photocopy such documentation and maintain it with the transaction information otherwise required by this section.

11. A scrap metal dealer, the agent employee, or representative of a scrap metal dealer shall not disclose personal information concerning a customer under this section without the consent of the customer unless the disclosure is made in response to a request from a law enforcement agency. A scrap metal dealer shall implement reasonable safeguards:

(1) To protect the security of the personal information required under subsection 7 of this section; and

(2) To prevent unauthorized access to or disclose of that information.

12. A scrap metal dealer shall not be liable to any customer for a disclosure of personal information if the scrap metal dealer has met the requirements set forth in subsection 10 of this section.

13. Anyone convicted of violating subsections 6 to 18 of this section shall be guilty of a class B misdemeanor.

14. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 6 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

15. Hours of retail operation for scrap metal dealers shall be no earlier than 6:00 a.m. and no later than 7:00 p.m.

16. No scrap metal dealer shall purchase or otherwise receive from a person under the age of eighteen any ferrous or nonferrous metal other than aluminum cans.

17. A scrap metal dealer shall register with or subscribe to the alert system established by the Institute of Scrap Recycling Industries, Inc., referred to as the ISRI Scrap Theft Alert system or successor system, and maintain that registration or subscription.

18. Subsections 6 to 18 of this section shall only apply to a city not within a county.

407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, or utility regulated under chapter 386 or 393, including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer to sell the metal.

2. Anyone convicted of violating **subsection 1** of this section shall be guilty of a class B misdemeanor. **Subsections 1 and 2 of this section shall not apply in a city not within a county.**

3. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, or utility regulated under chapter 386 or 393, including bleachers, guardrails, signs, street and traffic lights or signals, certain cables used in high voltage transmission lines, historical markers, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer of the metal or item described in this subsection unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related

provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer to sell the metal.

4. No person shall knowingly sell or attempt to sell to a scrap metal dealer and no scrap metal dealer shall knowingly and willfully purchase the following:

(1) New materials, such as those used in construction, or equipment or tools used by contractors, unless accompanied by proof of ownership or authorization to sell the materials on behalf of the owner;

(2) HVAC components unless accompanied by written authorization from the business or property owner evidencing the seller has the legal right to sell the material;

(3) Catalytic converters removed from a motor vehicle unless purchased from a vehicle repair business.

5. Anyone convicted of violating subsections 3 and 4 of this section shall be guilty of a class B misdemeanor. Subsections 3 to 5 of this section shall only apply to a city not within a county.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Riddle raised the point of order that **SA 2** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schatz offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 46, Page 1, In the Title, Line 4, by striking “vehicles” and inserting in lieu thereof the following: “transportation”; and

Further amend said bill, page 4, Section 301.558, line 106, by inserting after all of said line the following:

“306.030. 1. The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant’s source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon issue an appropriate certificate of title over the director’s signature and sealed with the seal of the director’s office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be prescribed by rules and regulations of the division of water safety in order that it may

be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever the vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the water patrol division or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration.

2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number.

3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith.

5. All records of the department of revenue made and kept pursuant to this section shall be public records.

6. **A permanent certificate of number may be issued upon application and payment of three times the fee specified for the vessel under this section and three times any processing fee applicable to a three-year certificate of number for the vessel. Permanent certificates of number shall not be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and shall continue in force and effect until terminated or discontinued in accordance with the provisions of this chapter.** Every other certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload.

8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

10. The fee to accompany each application for a certificate of number is:

For vessels under 16 feet in length	\$25.00
For vessels at least 16 feet in length but less than 26 feet in length	\$55.00
For vessels at least 26 feet in length but less than 40 feet in length	\$100.00
For vessels at least 40 feet and over	\$150.00

11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection.

12. For fiscal years ending before July 1, 2019, the first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

13. Beginning July 1, 2019, the first one million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of one million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

14. Notwithstanding the provisions of subsection 10 of this section, vessels at least sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall accompany each application for a certification number.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator White offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 46, Page 5, Section 307.380, Line 32, by inserting after all of said line the following:

“Section B. If any provision of section A of this act or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.”; and

Further amend the title accordingly.

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 46, Page 1, Section A, Line 3, by inserting after all of said line the following:

“115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant’s completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. Voter registration agencies [and the division of motor vehicle and drivers licensing of the department of revenue] shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant. **The division of motor vehicle and drivers licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than three business days after the form is completed by the applicant.**

115.160. 1. All Missouri driver’s license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver’s license, renewal of driver’s license, change of address, duplicate request and a nondriver’s license. **The director of revenue shall utilize electronic voter registration application forms and provide for secure electronic transfer of voter registration information to election authorities. The secretary of state and the director of revenue shall ensure the confidentiality and integrity of the voter registration data collected, maintained, received, or transmitted under this section.**

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver’s license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver’s license or nondriver’s license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be

forwarded, **in a secure and electronic manner**, to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. **Voter registration information, including an electronic image of the signature of the applicant, shall be transmitted in a format compatible with the Missouri voter registration system established in section 115.158 which allows for review by the election authority and does not require the election authority to manually reenter the information, provided that the election authority shall print out a paper copy of the information and retain such information in the manner required by section 115.145.** The election authority receiving the application forms shall review the applications and forward, **in a secure and electronic manner**, any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section not later than five business days after the form is completed by the applicant.

7. Any person registering to vote when applying for or renewing a Missouri driver's license shall submit with the application form a copy of a birth certificate, a Native American tribal document, or other proof of United States citizenship, a valid Missouri driver's license, or other form of personal identification.

115.960. 1. An election authority is authorized to accept voter registration applications with a signature submitted to the election authority under the provisions of sections 432.200 to 432.295 as provided in this section:

(1) Sections 432.200 to 432.295 shall only apply to transactions between parties that have agreed to conduct transactions by electronic means;

(2) Except as provided in subsection 2 of this section, as used in this section and sections 432.200 to 432.295, the parties who agree to conduct voter registration transactions by electronic means shall be the local election authority who is required to accept or reject a voter registration application and the prospective voter submitting the application;

(3) A local election authority is authorized to develop, maintain, and approve systems that transmit voter registration applications electronically under sections 432.200 to 432.295;

(4) Except as provided in subsection 2 of this section **and section 115.160**, no officer, agency, or organization shall collect or submit a voter registration application with an electronic signature to an election authority without first obtaining approval of the data and signature format from the local election authority and the approval of the voter to collect and store the signature and data; and

(5) Local election authorities who maintain a voter registration application system shall direct voter registration applicants from other jurisdictions to the system used by the local election authority for that jurisdiction to accept voter registration applications electronically.

2. A system maintained by the secretary of state's office shall be used to accept voter registration applications electronically subsequent to approval from the committee formed as set forth in this subsection:

(1) Within thirty days of, but in no event prior to January 1, 2017, the president of the Missouri Association of County Clerks and Election Authorities shall appoint fourteen of its members to serve on a committee to approve and develop uniform standards, systems, and modifications that shall be used by the secretary of state in any electronic voter registration application system offered by that office. The

committee may also make recommendations regarding the purchase, maintenance, integration, and operation of electronic databases, software, and hardware used by local election authorities and the secretary of state's office including, but not limited to, systems used for military and overseas voting and for building and conducting election operations. The committee shall have fourteen local election authorities, including representatives of each classification of counties, a representative from an election board, and at least one member who has experience processing online voter registration transactions. In addition, one representative appointed by the secretary of state's office shall serve on the committee;

(2) The committee shall immediately meet to approve electronic signature formats and a minimum set of data collection standards for use in a voter registration application system maintained by the secretary of state;

(3) Once the format and data collection standards are approved by the committee and implemented for the system maintained by the secretary of state, local election authorities shall accept the transmission of voter registration applications submitted to the approved system under the provisions of sections 432.200 to 432.295;

(4) The secretary of state's office shall direct eligible voters to a local election authority's system to accept voter registration applications electronically if the local election authority has a system in place as of August 28, 2016, or implements a system that meets the same standards and format that has been approved by the committee for the secretary of state's system;

(5) The committee shall meet not less than semiannually through June 30, 2019, to recommend and approve changes and enhancements proposed by the secretary of state or election authorities to the electronic voter registration application system. Vacancies that occur on the committee shall be filled by the president of the Missouri Association of County Clerks and Election Authorities at the time of the vacancy;

(6) To improve the accuracy of voter registration application data and reduce costs for local election authorities, the system maintained by the secretary of state shall, as soon as is practical, provide a method where the data entered by the voter registration applicant does not have to be re-entered by the election authority to the state voter registration database.

3. Each applicant who registers using an approved electronic voter registration application system shall be deemed to be registered as of the date the signed application is submitted to the system, if such application is accepted and not rejected by the election authority and the verification notice required under section 115.155 is not returned as undeliverable by the postal service.

4. This section shall not apply to voter registration and absentee records submitted by voters authorized under federal law, section 115.291, or sections 115.900 to 115.936 to submit electronic records and signatures.

5. High quality copies, including electronic copies, of signatures made on paper documents may be used for petition signature verification purposes and retained as records.

6. Any signature required for petition submission under chapter 116 shall be handwritten on a paper document.

7. [Notwithstanding the provisions of section 432.230] **Except as provided under sections 115.160 and 432.230**, nothing in this section shall require the election authority to accept voter registration records or

signatures created, generated, sent, communicated, received, stored, or otherwise processed, or used by electronic means or in electronic form from any officer, agency, or organization not authorized under subsection 2 of this section without prior approval from the election authority. **Election authorities shall accept and process voter registration records, including electronic images of applicant signatures, transmitted electronically by the division of motor vehicle and drivers licensing of the department of revenue under section 115.160.** Except as provided in subsection 2 of this section and section 115.160, no officer, agency, or organization shall give the voter the opportunity to submit a voter registration application with an electronic signature without first obtaining the approval of the local election authority.

8. An election authority that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means.

9. No election authority or the secretary of state shall furnish to any member of the public any data collected under a voter registration application system except as authorized in subsections 1 to 5 of section 115.157.

10. Nothing in this section shall be construed to require the secretary of state to cease operating a voter registration application in place as of the effective date of this act.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Moon offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 46, Page 4, Section 301.558, Line 106, by inserting after all of said line the following:

“304.165. 1. As used in this section, the following terms shall mean:

(1) “Automated motor vehicle”, a motor vehicle on which automated technology has been installed that enables the motor vehicle to be operated in automatic mode;

(2) “Automated technology”, technology installed on a motor vehicle which has the capability to make decisions for or replace an operator. “Automated technology” shall not include active safety systems or operator assistance systems, including but not limited to systems providing electronic blind-spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keeping assistance, lane departure warning, or traffic jam or queuing assistance, unless one or more of these technologies alone or in combination with other systems enable the vehicle on which the technology is installed to operate in automatic mode;

(3) “Automatic mode”, a mode of operating an automated motor vehicle where the vehicle is operated without continuous control and monitoring by an operator occupying the driver’s seat of the vehicle.

2. The operation of an automated motor vehicle on a highway or street in this state shall be subject to the laws and regulations applicable to a conventional human driver and conventional motor vehicle of the same classification.

3. No automated motor vehicle shall be operated in automatic mode on a highway or street in this

state unless a person is occupying the driver's seat of the vehicle who:

(1) Is authorized pursuant to chapter 302 to operate the motor vehicle;

(2) Is trained in the operation of the automated motor vehicle; and

(3) Has the ability to monitor the automated motor vehicle's performance and immediately take control of the vehicle's movements if necessary.

4. A person occupying the driver's seat of an automated motor vehicle being operated in automatic mode shall be deemed to be operating the vehicle for purposes of enforcing the laws and regulations applicable to drivers and motor vehicles, including but not limited to chapter 302.

5. Where an automated motor vehicle is operated without a person occupying the driver's seat of the vehicle, this section shall impose strict liability on the owner of the automated motor vehicle for a violation of subsection 3 of this section, and the owner shall be subject to a fine not to exceed one thousand dollars. Where, in accordance with subsection 6 of this section, an owner-lessor of an automated motor vehicle operated without a person occupying the driver's seat of the vehicle furnishes the name, address, and operator's license number of the person renting or leasing the vehicle at the time the violation occurred, this section shall impose strict liability on the person renting or leasing the vehicle at the time of the violation for a violation of subsection 3 of this section, and the person shall be subject to a fine not to exceed one thousand dollars.

6. Notwithstanding any provision of this section to the contrary, an owner-lessor of an automated motor vehicle operated without a person occupying the driver's seat of the vehicle shall not be subject to the penalty established under subsection 5 of this section, provided that the owner-lessor, within three working days from the time of receipt of written request for such information, furnishes the name, address, and operator's license number of the person renting or leasing the vehicle at the time the violation occurred. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be subject to the penalty established under subsection 5 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted, which motion failed.

Senator Bernskoetter assumed the Chair.

Senator Hough moved that SS for **SB 46**, as amended, be adopted, which motion prevailed.

On motion of Senator Hough, SS for **SB 46**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR**s 23 & 38, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to Article I of the Constitution of Missouri, by adopting one new section relating to the right to hunt and fish.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 100**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a Negro Leagues Baseball Museum special license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 262**, entitled:

An Act to repeal section 302.188, RSMo, and to enact in lieu thereof one new section relating to veteran designations on driver's licenses and identification cards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 296**, entitled:

An Act to repeal section 36.020, RSMo, and to enact in lieu thereof one new section relating to state personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 298**, entitled:

An Act to repeal section 143.1027, RSMo, and to enact in lieu thereof one new section relating to income tax refund donations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 404**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to limb loss awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 449**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to celiac awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 522**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Walthall Moore day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 640**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to myasthenia gravis awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 676**, entitled:

An Act to repeal section 565.003, RSMo, and to enact in lieu thereof one new section relating to the necessary mental state for a homicide offense.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 763**, entitled:

An Act to repeal section 21.155, RSMo, and to enact in lieu thereof one new section relating to employees of the general assembly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1053**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to tardive dyskinesia awareness week.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCRs 4 & 5**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NOS. 4 and 5

WHEREAS, Missouri was part of the 1803 Louisiana Purchase and became a state in 1821; and

WHEREAS, the terms of Missouri's statehood included that Missouri would be the only state north of the Mason-Dixon line that was a slave state; and

WHEREAS, the tensions in the nation regarding racial equality, or lack thereof, have played out in profound ways in the state of Missouri; and

WHEREAS, St. Louis, being situated on the Mississippi River, was uniquely positioned to be a destination for the slave trade; and

WHEREAS, tensions of human inequality are profoundly apparent in the history of the state; and

WHEREAS, when persons with African ancestry in Missouri sued for their freedom, such freedom was sometimes granted, within the legal parameters allowed; and

WHEREAS, the tension in the nation over the issue of slavery and human inequality resulted in Dred and Harriet Scott, persons with African ancestry, being denied freedom in this state in a decision by the Missouri Supreme Court on March 22, 1852; and

WHEREAS, that 1852 Missouri Supreme Court decision deviated from Court precedent freeing former slaves and stated: "Times are not now as they once were when the former decisions on this subject were made. Since then not only individuals but States have been possessed with dark and fell spirit in relation to slavery ... the state of Missouri is willing to assume her full responsibility for the existence of slavery within her limits, nor does she seek to share or divide it with others,"; and

WHEREAS, after this decision, the Scotts persisted in their pursuit for freedom, ultimately resulting in the infamous decision by the Supreme Court of the United States on March 6, 1857, holding that as African Americans, Dred and Harriet Scott did not have the right to sue for their freedom, consigning African Americans to a permanent inferior status in this country; and

WHEREAS, the March 22, 1852, Dred Scott decision is a regrettable legacy for this state and antithetical to the nation's founding values, specifically the tenet that all men are created equal; and

WHEREAS, the 1852 Missouri Supreme Court Dred Scott decision opened the door for the 1857 United States Supreme Court's decision declaring that people of African ancestry "had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit", an expression of racism and a precursor to Jim Crow laws, which perpetrated over a century of injustice; and

WHEREAS, it is time for these open doors to be unequivocally closed; and

WHEREAS, all political power is vested in and derived from the people; and

WHEREAS, all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole; and

WHEREAS, all constitutional government is intended to promote the general welfare of all people; and

WHEREAS, all persons have a natural right to life, liberty, and the pursuit of happiness; and

WHEREAS, no person shall be deprived of life, liberty, or property without the due process of law; and

WHEREAS, all human beings are created equal and are entitled to equal rights and opportunity under the law; and

WHEREAS, two hundred years after this State's founding, during the bicentennial of this State's founding, it is time to draw a line between Missouri's history, which encompassed such inhumane and unfair treatment to our citizens, and the present and future Missouri, which aims to be a place of equal treatment for all:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundred First General Assembly, First Regular Session, the Senate concurring therein, that, as the 1852 Missouri Supreme Court decision recognized "times are not now as they once were when the former decisions on this subject were made"; and, that the times have once again changed and we declare the March 22, 1852, Missouri Supreme Court Dred Scott decision is fully and entirely renounced; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Governor, the Clerk of the Supreme Court of Missouri, the justices of the Supreme Court of Missouri, and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 733**, entitled:

An Act to repeal sections 160.2700, 160.2705, and 170.029, RSMo, and to enact in lieu thereof five new sections relating to workforce development.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 592**, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to personal delivery devices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 380**, entitled:

An Act to repeal section 307.175, RSMo, and to enact in lieu thereof one new section relating to flashing lights on motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 369**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to liability for prescribed burns.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 384**, entitled:

An Act to repeal section 287.715, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Schatz referred **SS** for **SCS** for **SB 120** and **SS** for **SB 327** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 176** and **SS** for **SCS** for **SB 289**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTION OF GUESTS

Senator Williams introduced to the Senate, DeAndra Smith, David Polster, Olivia Smith, Stephanie Njeri; and Amma Bromley-Perry.

Senator Gannon introduced to the Senate, the Southern Iron "Panthers" Class 1 Boys Basketball State Champions: Brock Wakefield, Jermarco Burse Jr., Luke Lunyou, Jacob Leverett, Drenin Dinkins, DJ Parater, Champ McMurry, Kolton Dinkins, Jermartez Burse, Gabe Ruble; head coach, Dusty Dinkins; and assistant coaches, Jared Middleton, Delbert Jackson, and Jason McMurry.

Senator Onder introduced to the Senate, Jenny Woodward, Bella Woodward, Elijah Woodward, Ben Woodward, Josiah Woodward, Andrew Mullen; and Joseph Onder.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-THIRD DAY—THURSDAY, APRIL 1, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 432	HCS for HB 697
HCS for HB 228	HCS for HB 529
HB 273-Hannegan	HCS for HRB 1
HB 687-Riley	HCS for HJR 23 & 38
HB 585-Houx	HB 100-Sharp (36)
HB 76-Murphy	HB 262-Black (137)
HB 542-Shields	HB 296-Wallingford
HB 627-Patterson	HB 298-Wallingford
HS for HCS for HB 543	HB 404-Aldridge
HS for HCS for HB 738	HB 449-Tate
HB 295-Roberts	HB 522-Windham
HS for HB 533	HB 640-Morse
HB 834-Wright	HCS for HB 676
HB 530-Evans	HB 763-Chipman
HCS for HBs 557 & 560	HB 1053-Patterson
HCS#2 for HB 69	HCS for HB 733
HB 488-Hicks	HCS for HB 592
HB 202-McGill	HB 380-Walsh (50)
HB 387-Bailey	HCS for HB 369
HCS for HBs 1123 & 1221	HCS for HB 384

THIRD READING OF SENATE BILLS

SCS for SB 40-Burlison (In Fiscal Oversight)	SS for SCS for SB 120-White
SS for SB 63-Rehder (In Fiscal Oversight)	(In Fiscal Oversight)
SS for SB 333-Burlison	SS for SB 176-Hough
SS for SB 327-Koenig (In Fiscal Oversight)	SS for SCS for SB 289-Brown

SENATE BILLS FOR PERFECTION

1. SB 3-Hegeman

2. SB 212-White

- | | |
|------------------------------------|--------------------------------|
| 3. SB 5-Wieland, with SCS | 37. SB 459-Brattin, with SCS |
| 4. SB 36-Bernskoetter | 38. SB 198-Eigel, with SCS |
| 5. SB 57-May, with SCS | 39. SJR 7-Eigel |
| 6. SB 354-Hoskins, with SCS | 40. SB 114-Bernskoetter |
| 7. SB 126-Brown, with SCS | 41. SB 316-Hough |
| 8. SB 287-Crawford | 42. SB 372-Riddle |
| 9. SB 282-Hegeman, with SCS | 43. SB 195-Koenig |
| 10. SB 202-Cierpiot, with SCS | 44. SB 295-Crawford, with SCS |
| 11. SB 44-White | 45. SB 169-Burlison |
| 12. SB 71-Gannon, with SCS | 46. SB 139-Bean |
| 13. SB 254-Riddle, with SCS | 47. SB 204-Cierpiot, with SCS |
| 14. SB 94-Onder | 48. SB 369-White |
| 15. SB 206-Arthur | 49. SB 105-Crawford, with SCS |
| 16. SB 138-Brattin, with SCS | 50. SB 473-Brown |
| 17. SB 78-Beck | 51. SB 168-Burlison |
| 18. SB 74-Bean, with SCS | 52. SB 434-Washington |
| 19. SB 343-Brown | 53. SB 465-Hoskins, with SCS |
| 20. SB 95-Onder, with SCS | 54. SB 174-Hough, with SCS |
| 21. SB 30-Cierpiot | 55. SB 227-Arthur |
| 22. SB 134-O'Laughlin and Cierpiot | 56. SJR 4-Koenig |
| 23. SB 98-Hoskins, with SCS | 57. SB 318-May, with SCS |
| 24. SB 360-Wieland, with SCS | 58. SB 408-Wieland |
| 25. SB 45-Hough | 59. SB 399-Eigel |
| 26. SB 65-Rehder, with SCS | 60. SB 547-Hoskins, with SCS |
| 27. SB 253-Hegeman | 61. SB 236-Hough, with SCS |
| 28. SJR 12-Luetkemeyer | 62. SJR 16-Eslinger |
| 29. SB 131-Luetkemeyer | 63. SB 182-O'Laughlin |
| 30. SB 291-Brown | 64. SB 361-Wieland |
| 31. SB 306-Bernskoetter, with SCS | 65. SB 481-Hough, et al |
| 32. SB 255-Riddle | 66. SB 370-Brown |
| 33. SB 404-Riddle | 67. SB 54-O'Laughlin, with SCS |
| 34. SB 334-Bernskoetter | 68. SB 390-Luetkemeyer |
| 35. SB 96-Hoskins, with SCS | 69. SB 400-Onder, with SCS |
| 36. SB 183-O'Laughlin | |

HOUSE BILLS ON THIRD READING

HCS for HB 430, with SCS (Rehder)
(In Fiscal Oversight)

HCS for HB 429, with SCS (Koenig)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)	SB 123-Hough, with SS & SA 2 (pending)
SB 7-Riddle, with SS & SA 1 (pending)	SB 137-Brattin
SB 10-Schatz, with SS (pending)	SB 149-Onder
SB 11-Schatz	SB 163-Cierpiot
SB 24-Eigel, with SS#2 (pending)	SB 179-Luetkemeyer
SB 47-Hough	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)	SJR 2-Onder, with SCS
SB 100-Koenig, with SCS	

RESOLUTIONS

To be Referred

HCS for HCRs 4 & 5

✓

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY—THURSDAY, APRIL 1, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“And now O Lord what do I wait for? My hope is in You.” (Psalm 39:7)

O Lord, we often take time and what we are about for granted but during this season of special holy days let us be mindful that You require us to turn to You, being reflective about who You are to our inner most being. We see so much destructive behavior about us and know that our course of action is to be an instrument of love and caring, holding one another to take full responsibility for our behavior so that love and justice, peace and hope may prevail and we might be the people You have created us to be. And Lord, we would ask that You will watch our “going out and coming in” this day bringing us safely to our loved ones and to celebrate this Easter weekend together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Eigel Eslinger—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rowden offered Senate Resolution No. 202, regarding the Seventy-fifth Wedding Anniversary of Charles and Bettie Koelling, Columbia, which was adopted.

Senator Moon offered the following resolution:

SENATE RESOLUTION NO. 203

Whereas, the Founders designated that a Bill of Rights was necessary to guard individual liberty against encroachments from state and federal actors, public and private; and

Whereas, the 14th Amendment to the U.S. Constitution explicitly directs states not to “deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”; and

Whereas, no COVID vaccine is FDA-approved but some are authorized under a temporary Emergency Use Authorization as experimental (investigational) agents only; and

Whereas, emergency use products are specifically prohibited by federal law 21 U.S.C. Section 360bbb-3 from being mandated: “Authorization for medical products for use in emergencies ... require ... the option to accept or refuse administration of the product”; and

Whereas, the CDC Advisory Committee on Immunization Practices (ACIP) affirmed in August 2020 that under an Emergency Use Authorization (EUA) experimental vaccines are not allowed to be mandatory; and

Whereas, decades-old universally-accepted codes of medical ethics, including the Nuremberg Code and the Declaration of Helsinki, absolutely prohibits any form of coercion whatsoever to individuals participating in a medical experiment; and

Whereas, 40 percent of respondents in at least one U.S. poll reported that they would opt out of taking experimental COVID vaccines; and

Whereas, it is neither feasible nor safe to mandate experimental vaccination given the large number of COVID-19 recovered patients in the general population and the FDA, Pfizer, and Moderna protocols that excluded COVID-19 recovered patients; and

Whereas, it is neither feasible nor safe to administer experimental vaccines to many groups of patients, such as persons with post-natural infections, waning titers, allergic reactions, as well as childbearing women, etc.; and

Whereas, public and private measures are nonetheless being considered to mandate experimental vaccinations in order to participate in certain public activities and functions of daily American life, including, but not limited to employment, in-person school attendance, public transportation, and concert performances; and

Whereas, “vaccine passports”, “digital health IDs”, and other such required documentation pose substantial risks to personal privacy and equal treatment before the law for all citizens of Missouri, as well as the U.S. generally; and

Whereas, administration of the experimental COVID-19 vaccines according to guidelines established by the CDC’s Advisory Committee on Immunization Practices do not provide adequate protections for average Americans concerned about potential health hazards associated with the inoculations; and

Whereas, the public is entitled to receive unbiased, transparent, easily-accessible medical information related to all vaccines from their public health officials; and

Whereas, the doctors and nurses administering the inoculation are required by law to give informed consent and they cannot do so if they themselves are not informed; and

Whereas, the emergency powers assumed by the chief executives of certain states as well as municipal leaders violate certain unalienable rights guaranteed under the U.S. Constitution and its Bill of Rights and therefore deserve redress; and

Whereas, while these legitimate grievances are pursued in the courts of various states, state lawmakers must enshrine certain rights against encroachment by decrees that are not medically or scientifically indicated, such as vaccine mandates, in order to ensure the continuity of these rights; and

Whereas, that a “COVID-19 Vaccine Bill of Rights” as memorialized by this resolution against COVID-19 vaccine mandates provides an example of adoption for other legislative bodies across the U.S. to be recognized and upheld by the attorneys general of those states; and

Whereas, that the major principles of this “Vaccine Bill of Rights” will include a minimum of five of the following seven provisions:

1. No persons will be mandated, coerced, forced or pressured to take an experimental or “investigational” medication;
2. All persons reserve the right, at all times, to determine what is in their own best medical interest without threat to their livelihood, schooling, or freedom of movement;
3. No physician or nurse shall be asked by an employer to promote a COVID-19 vaccine;
4. All health care providers must attest that they are aware of the Vaccine Adverse Event Reporting System (VAERS) database and their

professional obligation to check it regularly and share information about VAERS with each vaccine recipient. All persons will be informed of the specific vaccine they are receiving;

5. All persons must be given access to independent information to help them determine what is in their own best medical interest, including the risk of death based upon age and condition from contracting the virus naturally. This must include information from sources that are independent of a conflict of interest. For example, pharmaceutical companies have an inherent conflict of interest, as do government or quasi-government institutions. Such information can be included but cannot be the sole source of information;

6. The frail and elderly are additionally entitled to a knowledgeable, independent advocate with medical training to help them determine their own medical interest; and

7. Private businesses operating within the jurisdiction have no legal authority to require or mandate or coerce medication or experimental medication for any persons; and

Whereas, technical guidance for employers released by the U.S. Equal Employment Opportunity Commission (EEOC) in December of 2020 should not be understood to undermine employee constitutional rights laid out herein; and

Whereas, state legislative bodies must practice oversight of such federal assistance consistent with their enumerated powers; and

Whereas, out-of-state commercial vendors, including Ticketmaster, cannot require venue operators and organizers to mandate proof of vaccination from concertgoers and other paying customers before freely entering a venue on private or public property; and

Whereas, K-12 vaccinations cannot be required without certain clear and consistent exemptions applied, among them medical and conscience clauses, or risk forfeiting a district's or school board's authority in the state of Missouri to authorize such a mandate, nor can a vaccine mandate for these populations be a factor in state school-aid funding; and

Whereas, interstate carriers such as airlines and all forms of public transit calling for so-called "vaccine passports" as a condition of entry cannot be allowed to operate with state licensure and waivers, and furthermore this resolution would call on federal entities such as the Federal Aviation Administration (FAA) to issue new rules prohibiting COVID-19 vaccine mandates for all carrier crews and customers; and

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, hereby memorializes a COVID-19 Vaccine Bill of Rights for the purposes of defending the constitutional liberties of Missouri residents, promoting sound science, and outlining a framework of best practices for state authorities and federal regulators to develop in this evolving phase of experimental vaccine administration and implementation; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President Joseph R. Biden Jr. and each member of the Missouri congressional delegation.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
April 1, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Glen Kolkmeier, 7075 Deerview Drive, Odessa, Lafayette County, Missouri 64076, as a member of the Public Service Commission, for a term ending April 1, 2027, and until his successor is duly appointed and qualified; vice, William P. Kenney, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz referred the above appointment to the Committee on Gubernatorial Appointments.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SB 2**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no

objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Hoskins, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 437**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 466**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 313**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 529**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 62**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Eigel, Chairman of the Committee on General Laws, Senator Rehder submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 272**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 244**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 184**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 92**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 562**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 132**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 561**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 582**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 375**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was

referred **SB 506**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HCS** for **HB 429**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HCS** for **HB 430**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 63**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 317**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 323**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 218**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SCR 16, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 46**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

At the request of Senator Rehder, **SS** for **SB 63** was placed on the Informal Calendar.

SS for **SB 333**, introduced by Senator Burlison, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 333

An Act to repeal section 394.120, RSMo, and to enact in lieu thereof two new sections relating to nonprofit organizations.

Was taken up.

On motion of Senator Burlison, **SS** for **SB 333** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
Washington	White	Wieland—24				

NAYS—Senators

Arthur	Beck	Mosley	Razer	Rizzo	Roberts	Schupp
Williams—8						

Absent—Senators—None

Absent with leave—Senators

Eigel	Eslinger—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Burlison, title to the bill was agreed to.

Senator Burlison moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for **SB 176**, introduced by Senator Hough, entitled:

SENATE SUBSTIUTE FOR SENATE BILL NO. 176

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to personal delivery devices.

Was taken up.

On motion of Senator Hough, **SS** for **SB 176** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Eigel Eslinger—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 289**, introduced by Senator Brown, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 289

An Act to repeal section 590.030, RSMo, and to enact in lieu thereof one new section relating to peace officer license requirements.

Was taken up.

On motion of Senator Brown, **SS** for **SCS** for **SB 289** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Eigel

Eslinger—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Schatz referred **SS** for **SB 46** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz referred **HCS** for **HCRs 4** and **5** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William L. (Skip) Stephens, Independent, as a member of the Missouri Community Service Commission; and

Todd P. Graves, Republican, as a member of the University of Missouri Board of Curators.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion.

Senator Razer objected.

Senator Schatz moved that the report submitted to the Committee on Gubernatorial Appointments, to which was referred the appointment of William L. (Skip) Stephens, Independent, as a member of the Missouri Community Service Commission, be adopted and the Senate do give its advice and consent to said appointment, which motion prevailed.

Senator Schatz moved that the report submitted to the Committee on Gubernatorial Appointments, to which was referred the appointment of Todd P. Graves, Republican, as a member of the University of Missouri Board of Curators, be adopted and the Senate do give its advice and consent to said appointment.

Senator Brown assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Schatz, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 15**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF GUESTS

Senator O'Laughlin introduced to the Senate, Brynlee Baker, Atlanta.

Senator Bernskoetter introduced to the Senate, the Blair Oaks High School Falcons football team, head coach Ted LePage; and his coaching staff.

Senator Schatz introduced to the Senate, Noah Simmons, Washington.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Tuesday, April 6, 2021.

SENATE CALENDAR

FORTY-FOURTH DAY—TUESDAY, APRIL 6, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 432	HCS for HB 529
HCS for HB 228	HCS for HRB 1
HB 273-Hannegan	HCS for HJR 23 & 38
HB 687-Riley	HB 100-Sharp (36)
HB 585-Houx	HB 262-Black (137)
HB 76-Murphy	HB 296-Wallingford
HB 542-Shields	HB 298-Wallingford
HB 627-Patterson	HB 404-Aldridge
HS for HCS for HB 543	HB 449-Tate
HS for HCS for HB 738	HB 522-Windham
HB 295-Roberts	HB 640-Morse
HS for HB 533	HCS for HB 676
HB 834-Wright	HB 763-Chipman
HB 530-Evans	HB 1053-Patterson
HCS for HBs 557 & 560	HCS for HB 733
HCS#2 for HB 69	HCS for HB 592
HB 488-Hicks	HB 380-Walsh (50)
HB 202-McGill	HCS for HB 369
HB 387-Bailey	HCS for HB 384
HCS for HBs 1123 & 1221	HCS for HB 1
HCS for HB 697	HCS for HB 2

HCS for HB 3
HCS for HB 4
HCS for HB 5
HCS for HB 6
HCS for HB 7
HCS for HB 8

HCS for HB 9
HCS for HB 10
HCS for HB 11
HCS for HB 12
HCS for HB 13
HCS for HB 15

THIRD READING OF SENATE BILLS

SCS for SB 40-Burlison
(In Fiscal Oversight)
SS for SB 327-Koenig
(In Fiscal Oversight)

SS for SCS for SB 120-White
(In Fiscal Oversight)
SS for SB 46-Hough
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 3-Hegeman
2. SB 212-White
3. SB 5-Wieland, with SCS
4. SB 36-Bernskoetter
5. SB 57-May, with SCS
6. SB 354-Hoskins, with SCS
7. SB 126-Brown, with SCS
8. SB 287-Crawford
9. SB 282-Hegeman, with SCS
10. SB 202-Cierpiot, with SCS
11. SB 44-White
12. SB 71-Gannon, with SCS
13. SB 254-Riddle, with SCS
14. SB 94-Onder
15. SB 206-Arthur
16. SB 138-Brattin, with SCS
17. SB 78-Beck
18. SB 74-Bean, with SCS
19. SB 343-Brown
20. SB 95-Onder, with SCS

21. SB 30-Cierpiot
22. SB 134-O’Laughlin and Cierpiot
23. SB 98-Hoskins, with SCS
24. SB 360-Wieland, with SCS
25. SB 45-Hough
26. SB 65-Rehder, with SCS
27. SB 253-Hegeman
28. SJR 12-Luetkemeyer
29. SB 131-Luetkemeyer
30. SB 291-Brown
31. SB 306-Bernskoetter, with SCS
32. SB 255-Riddle
33. SB 404-Riddle
34. SB 334-Bernskoetter
35. SB 96-Hoskins, with SCS
36. SB 183-O’Laughlin
37. SB 459-Brattin, with SCS
38. SB 198-Eigel, with SCS
39. SJR 7-Eigel
40. SB 114-Bernskoetter

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| 41. SB 316-Hough | 66. SB 370-Brown |
| 42. SB 372-Riddle | 67. SB 54-O'Laughlin, with SCS |
| 43. SB 195-Koenig | 68. SB 390-Luetkemeyer |
| 44. SB 295-Crawford, with SCS | 69. SB 400-Onder, with SCS |
| 45. SB 169-Burlison | 70. SB 437-Hoskins |
| 46. SB 139-Bean | 71. SB 466-Hoskins, with SCS |
| 47. SB 204-Cierpiot, with SCS | 72. SB 604-Koenig, with SCS |
| 48. SB 369-White | 73. SB 313-Eigel |
| 49. SB 105-Crawford, with SCS | 74. SB 529-Cierpiot |
| 50. SB 473-Brown | 75. SB 577-Riddle, with SCS |
| 51. SB 168-Burlison | 76. SB 62-Williams, with SCS |
| 52. SB 434-Washington | 77. SB 383-Moon |
| 53. SB 465-Hoskins, with SCS | 78. SB 272-Mosley, with SCS |
| 54. SB 174-Hough, with SCS | 79. SB 244-Onder |
| 55. SB 227-Arthur | 80. SB 184-Bean, with SCS |
| 56. SJR 4-Koenig | 81. SB 92-Riddle, with SCS |
| 57. SB 318-May, with SCS | 82. SB 562-Schupp |
| 58. SB 408-Wieland | 83. SB 132-O'Laughlin, with SCS |
| 59. SB 399-Eigel | 84. SB 561-Gannon |
| 60. SB 547-Hoskins, with SCS | 85. SB 582-Eslinger |
| 61. SB 236-Hough, with SCS | 86. SB 375-Eigel |
| 62. SJR 16-Eslinger | 87. SB 506-Bean |
| 63. SB 182-O'Laughlin | 88. SB 317-May |
| 64. SB 361-Wieland | 89. SB 323-May |
| 65. SB 481-Hough, et al | 90. SB 218-Luetkemeyer, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 430, with SCS (Rehder)

HCS for HB 429, with SCS (Koenig)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 63-Rehder

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)	SB 123-Hough, with SS & SA 2 (pending)
SB 7-Riddle, with SS & SA 1 (pending)	SB 137-Brattin
SB 10-Schatz, with SS (pending)	SB 149-Onder
SB 11-Schatz	SB 163-Cierpiot
SB 24-Eigel, with SS#2 (pending)	SB 179-Luetkemeyer
SB 47-Hough	SB 301-Bernskoetter, with SCS &
SBs 55, 23 & 25-O’Laughlin, et al, with	SA 1 (pending)
SCS & SS for SCS (pending)	SJR 2-Onder, with SCS
SB 100-Koenig, with SCS	

RESOLUTIONS

Reported from Committee

SCR 6-Moon	SCR 16-Schatz
SCR 15-Bernskoetter	

To be Referred

SR 203-Moon

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY—TUESDAY, APRIL 6, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received.” (1 Peter 4:10)

Heavenly Father, we return ready for what will test our hearts and minds in the days ahead of us. We know that this time calls upon us to share with one another the many gifts You have given each of us as we deal with one another as people of integrity as together we serve all of Your people. So, we would ask that You will bless us with wisdom and discernment so we may prove to be faithful and helpful to one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 1, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator O’Laughlin offered Senate Resolution No. 204, regarding the Fiftieth Anniversary of Douglass Community Services, which was adopted.

Senator Rowden offered Senate Resolution No. 205, regarding Corrections Case Manager II Mark Wade, Columbia, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 206, regarding the Class 4 State Champion Helias Catholic High School football team, Jefferson City, which was adopted.

Senator Bean offered Senate Resolution No. 207, regarding Sergeant Dennis Rainey, Kennett, which was adopted.

Senator Schatz offered Senate Resolution No. 208, regarding Aidan Grey Stine, Wildwood, which was adopted.

THIRD READING OF SENATE BILLS

SS for SB 63, introduced by Senator Rehder, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 63

An Act to repeal section 338.710, RSMo, and to enact in lieu thereof two new sections relating to the monitoring of certain prescribed controlled substances, with penalty provisions.

Was called from the Informal Calendar and taken up.

Senator Rowden assumed the Chair.

President Kehoe assumed the Chair.

On motion of Senator Rehder, **SS for SB 63** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Beck	Brown	Cierpiot	Eslinger	Gannon	Hegeman
Hough	Luetkemeyer	Mosley	Razer	Rehder	Rizzo	Roberts
Rowden	Schatz	Schupp	Washington	White	Williams—20	

NAYS—Senators

Bean	Bernskoetter	Brattin	Burlison	Crawford	Eigel	Hoskins
Koenig	Moon	O’Laughlin	Onder	Wieland—12		

Absent—Senators

May	Riddle—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rehder, title to the bill was agreed to.

Senator Rehder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SB 46**, **SS** for **SCS** for **SB 120** and **SS** for **SB 327**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the following appointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Todd P. Graves, Republican, as a member of the University of Missouri Board of Curators.

Senator Schatz requested unanimous consent of the Senate to vote on the above report in one motion.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

President Pro Tem Schatz assumed the Chair.

Senator Rowden assumed the Chair.

Senator Eslinger assumed the Chair.

Senator Razer requested a roll call vote be taken and was joined in his request by Senators Arthur, Mosley, Rizzo, and Roberts.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Schatz moved that the report submitted to the Committee on Gubernatorial Appointments, to which was referred the appointment of Todd P. Graves, Republican, as a member of the University of Missouri Board of Curators, be adopted and the Senate do give its advice and consent to said appointment, which motion prevailed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hough	Koenig	Luetkemeyer	O’Laughlin	Onder

Rehder	Rowden	Schatz	White	Williams—19		
NAYS—Senators						
Arthur	Beck	Eigel	Hoskins	May	Moon	Mosley
Razer	Rizzo	Roberts	Schupp	Washington	Wieland—13	
Absent—Senators						
Brown	Riddle—2					

Absent with leave—Senators—None

Vacancies—None

REFERRALS

President Pro Tem Schatz referred **SR 203** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIFTH DAY—WEDNESDAY, APRIL 7, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 432	HS for HB 533
HCS for HB 228	HB 834-Wright
HB 273-Hannegan	HB 530-Evans
HB 687-Riley	HCS for HBs 557 & 560
HB 585-Houx	HCS#2 for HB 69
HB 76-Murphy	HB 488-Hicks
HB 542-Shields	HB 202-McGill
HB 627-Patterson	HB 387-Bailey
HS for HCS for HB 543	HCS for HBs 1123 & 1221
HS for HCS for HB 738	HCS for HB 697
HB 295-Roberts	HCS for HB 529

HCS for HRB 1	HCS for HB 369
HCS for HJR 23 & 38	HCS for HB 384
HB 100-Sharp (36)	HCS for HB 1
HB 262-Black (137)	HCS for HB 2
HB 296-Wallingford	HCS for HB 3
HB 298-Wallingford	HCS for HB 4
HB 404-Aldridge	HCS for HB 5
HB 449-Tate	HCS for HB 6
HB 522-Windham	HCS for HB 7
HB 640-Morse	HCS for HB 8
HCS for HB 676	HCS for HB 9
HB 763-Chipman	HCS for HB 10
HB 1053-Patterson	HCS for HB 11
HCS for HB 733	HCS for HB 12
HCS for HB 592	HCS for HB 13
HB 380-Walsh (50)	HCS for HB 15

THIRD READING OF SENATE BILLS

SCS for SB 40-Burlison (In Fiscal Oversight)	SS for SCS for SB 120-White
SS for SB 327-Koenig	SS for SB 46-Hough

SENATE BILLS FOR PERFECTION

1. SB 3-Hegeman	13. SB 254-Riddle, with SCS
2. SB 212-White	14. SB 94-Onder
3. SB 5-Wieland, with SCS	15. SB 206-Arthur
4. SB 36-Bernskoetter	16. SB 138-Brattin, with SCS
5. SB 57-May, with SCS	17. SB 78-Beck
6. SB 354-Hoskins, with SCS	18. SB 74-Bean, with SCS
7. SB 126-Brown, with SCS	19. SB 343-Brown
8. SB 287-Crawford	20. SB 95-Onder, with SCS
9. SB 282-Hegeman, with SCS	21. SB 30-Cierpiot
10. SB 202-Cierpiot, with SCS	22. SB 134-O'Laughlin and Cierpiot
11. SB 44-White	23. SB 98-Hoskins, with SCS
12. SB 71-Gannon, with SCS	24. SB 360-Wieland, with SCS

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|-----------------------------------|----------------------------------|
| 25. SB 45-Hough | 58. SB 408-Wieland |
| 26. SB 65-Rehder, with SCS | 59. SB 399-Eigel |
| 27. SB 253-Hegeman | 60. SB 547-Hoskins, with SCS |
| 28. SJR 12-Luetkemeyer | 61. SB 236-Hough, with SCS |
| 29. SB 131-Luetkemeyer | 62. SJR 16-Eslinger |
| 30. SB 291-Brown | 63. SB 182-O’Laughlin |
| 31. SB 306-Bernskoetter, with SCS | 64. SB 361-Wieland |
| 32. SB 255-Riddle | 65. SB 481-Hough, et al |
| 33. SB 404-Riddle | 66. SB 370-Brown |
| 34. SB 334-Bernskoetter | 67. SB 54-O’Laughlin, with SCS |
| 35. SB 96-Hoskins, with SCS | 68. SB 390-Luetkemeyer |
| 36. SB 183-O’Laughlin | 69. SB 400-Onder, with SCS |
| 37. SB 459-Brattin, with SCS | 70. SB 437-Hoskins |
| 38. SB 198-Eigel, with SCS | 71. SB 466-Hoskins, with SCS |
| 39. SJR 7-Eigel | 72. SB 604-Koenig, with SCS |
| 40. SB 114-Bernskoetter | 73. SB 313-Eigel |
| 41. SB 316-Hough | 74. SB 529-Cierpiot |
| 42. SB 372-Riddle | 75. SB 577-Riddle, with SCS |
| 43. SB 195-Koenig | 76. SB 62-Williams, with SCS |
| 44. SB 295-Crawford, with SCS | 77. SB 383-Moon |
| 45. SB 169-Burlison | 78. SB 272-Mosley, with SCS |
| 46. SB 139-Bean | 79. SB 244-Onder |
| 47. SB 204-Cierpiot, with SCS | 80. SB 184-Bean, with SCS |
| 48. SB 369-White | 81. SB 92-Riddle, with SCS |
| 49. SB 105-Crawford, with SCS | 82. SB 562-Schupp |
| 50. SB 473-Brown | 83. SB 132-O’Laughlin, with SCS |
| 51. SB 168-Burlison | 84. SB 561-Gannon |
| 52. SB 434-Washington | 85. SB 582-Eslinger |
| 53. SB 465-Hoskins, with SCS | 86. SB 375-Eigel |
| 54. SB 174-Hough, with SCS | 87. SB 506-Bean |
| 55. SB 227-Arthur | 88. SB 317-May |
| 56. SJR 4-Koenig | 89. SB 323-May |
| 57. SB 318-May, with SCS | 90. SB 218-Luetkemeyer, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 430, with SCS (Rehder)

HCS for HB 429, with SCS (Koenig)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)	SB 123-Hough, with SS & SA 2 (pending)
SB 7-Riddle, with SS & SA 1 (pending)	SB 137-Brattin
SB 10-Schatz, with SS (pending)	SB 149-Onder
SB 11-Schatz	SB 163-Cierpiot
SB 24-Eigel, with SS#2 (pending)	SB 179-Luetkemeyer
SB 47-Hough	SB 301-Bernskoetter, with SCS &
SBs 55, 23 & 25-O'Laughlin, et al, with	SA 1 (pending)
SCS & SS for SCS (pending)	SJR 2-Onder, with SCS
SB 100-Koenig, with SCS	

RESOLUTIONS

Reported from Committee

SCR 6-Moon	SCR 16-Schatz
SCR 15-Bernskoetter	

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—WEDNESDAY, APRIL 7, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I will sing aloud of your steadfast Love in the morning. For you have been a fortress for me and a refuge in the day of my distress.”
(Psalm 59:16)

Gracious God, You have brought us to a wonderful morning with the opportunity to give thought and praise to You our God. We are Your children who live fully knowing that You are indeed with us and providing us care and protection as we go through this day. You are the fortress we can dwell within when days are long and stressful and concerns and worry multiply. So, we pray that You will calm our hearts and minds with Your peace that passes all human understanding with the encouragement to move forward trusting always in You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Hough assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 209, regarding Michael J. Hasty, Gladstone, which was adopted.

Senator Cierpiot offered Senate Resolution No. 210, regarding Missouri's Municipal Utility Lineworkers, which was adopted.

Senator Rowden offered Senate Resolution No. 211, regarding the Class 1 State Champion Southern Boone County Eagles boys soccer team, which was adopted.

Senator Washington offered Senate Resolution No. 212, regarding the One Hundredth Birthday of Kenneth A. Stewart Sr., Kansas City, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 306**, entitled:

An Act to repeal sections 160.545, 162.720, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, and 209.610, RSMo, and to enact in lieu thereof twelve new sections relating to expanding choices for educational opportunities, with an emergency clause for a certain section.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1236**, entitled:

An Act to repeal section 33.543, RSMo, and to enact in lieu thereof nine new sections relating to state fiscal management, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 744**, entitled:

An Act to repeal sections 455.010, 455.032, 455.035, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof nine new sections relating to orders of protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SS for **SB 327**, introduced by Senator Koenig, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 327

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

Was taken up.

On motion of Senator Koenig, **SS** for **SB 327** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	O’Laughlin	Onder	Rehder
Rizzo	Roberts	Rowden	Schatz	White	Wieland	Williams—28

NAYS—Senators

Moon	Mosley	Razer	Schupp	Washington—5
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Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 120**, introduced by Senator White, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 120

An Act to repeal sections 36.020, 143.121, 143.124, 302.188, 379.122, 620.2005, 620.2010, and 650.005, RSMo, and to enact in lieu thereof fifteen new sections relating to military affairs, with an emergency clause for certain sections.

Was taken up.

On motion of Senator White, **SS** for **SCS** for **SB 120** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

Senator Bean assumed the Chair.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O’Laughlin	Onder	Razer	Rehder
Rizzo	Roberts	Rowden	Schatz	Schupp	White	Wieland
Williams—29						

NAYS—Senators

May	Moon	Washington—3
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Absent—Senators

Bernskoetter Riddle—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SB 46, introduced by Senator Hough, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 46

An Act to repeal sections 115.151, 115.160, 115.960, 301.558, 306.030, and 307.380, RSMo, and to enact in lieu thereof seven new sections relating to transportation.

Was taken up.

President Kehoe assumed the Chair.

On motion of Senator Hough, **SS** for **SB 46** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brattin	Brown	Burlison	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer	Rehder
Rowden	Schatz	Washington	White	Wieland—26		

NAYS—Senators

Beck	Cierpiot	Moon	Rizzo	Roberts	Schupp	Williams—7
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Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Bean assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 430**, with **SCS**, entitled:

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, and 191.975, RSMo, and to enact in lieu thereof six new sections relating to adoption tax credits.

Was taken up by Senator Rehder.

SCS for **HCS** for **HB 430**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 430

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.550, 135.600, 135.800, and 191.975, RSMo, and to enact in lieu thereof eight new sections relating to benevolent tax credits.

Was taken up.

Senator Rehder moved that **SCS** for **HCS** for **HB 430** be adopted.

Senator Rehder offered **SS** for **SCS** for **HCS** for **HB 430**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.550, 135.600, 135.800, and 191.975, RSMo, and to enact in lieu thereof eight new sections relating to benevolent tax credits.

Senator Rehder moved that **SS** for **SCS** for **HCS** for **HB 430** be adopted.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 5, Section 135.335, Line 12, by inserting after all of said line the following:

“135.345. 1. This section shall be known and may be cited as the “Affordable Child Care for Families Tax Credit Act”.

2. For the purposes of this section, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Eligible taxpayer”, a resident individual who is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and who has a federal adjusted gross income of less than eighty thousand dollars in the tax year for which a tax credit is claimed;

(3) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

3. (1) For all tax years beginning on or after January 1, 2022, an eligible taxpayer shall be allowed a tax credit in an amount equal to a percentage of the amount such taxpayer would receive under a federal tax credit received under 26 U.S.C. Section 21, as amended. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. If the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer and shall not be carried forward to any subsequent tax year.

(2) The amount of the tax credit authorized pursuant to this section shall be equal to the following percentage of the amount received under 26 U.S.C. Section 21, as amended:

(a) For the tax year beginning on or after January 1, 2022, and ending on or before December 31, 2022, ten percent of such federal tax credit;

(b) For the tax year beginning on or after January 1, 2023, and ending on or before December 31, 2023, twenty percent of such federal tax credit; and

(c) For all tax years beginning on or after January 1, 2024, thirty percent of such federal tax credit.

4. The department shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of revenue

expended, the number of credits claimed, and the average value of the credits issued to taxpayers whose earned income falls within various income ranges determined by the department.

5. The director of the department may promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall sunset automatically on December 31, 2030, unless reauthorized by an act of the general assembly; and

(2) If such section is reauthorized, the tax credit authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Arthur, Beck, Rizzo and Washington.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Williams—9					

NAYS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hough	Koenig	Luetkemeyer
Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz	White
Wieland—22						

Absent—Senators

Hoskins	Riddle	Washington—3
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Absent with leave—Senators—None

Vacancies—None

Senator Rehder moved that SS for SCS for HCS for HB 430 be adopted, which motion prevailed.

Senator Rehder moved that SS for SCS for HCS for HB 430 be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 430** to the Committee on Governmental Accountability and Fiscal Oversight.

HCS for **HB 429**, with **SCS**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for foster parents.

Was taken up by Senator Koenig.

SCS for **HCS** for **HB 429**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 429

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 211.447, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof twelve new sections relating to child placement.

Was taken up.

Senator Koenig moved that **SCS** for **HCS** for **HB 429** be adopted.

Senator Koenig offered **SS** for **SCS** for **HCS** for **HB 429**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 429

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 429** be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 429** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 429** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

At the request of Senator Hegeman, **SB 3** was placed on the Informal Calendar.

Senator White moved that **SB 212** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 212**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 212

An Act to repeal sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206,

589.042, 650.055, and 650.058, RSMo, and to enact in lieu thereof forty-three new sections relating to the department of corrections, with existing penalty provisions.

Senator White moved that **SS** for **SB 212** be adopted.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 212, Page 28, Section 217.829, Line 37, by inserting after all of said line the following:

“217.845. Notwithstanding any provision of law to the contrary, any funds received by an offender from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or any subsequent federal stimulus funding relating to severe acute respiratory syndrome coronavirus 2 or a virus mutating therefrom, shall be used by the offender to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 212, Page 28, Section 217.829, Line 37, by inserting after all of said line the following:

“221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

(1) Until July 1, 1996, seventeen dollars per day per prisoner;

(2) On and after July 1, 1996, twenty dollars per day per prisoner;

(3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations[, but not less than the amount appropriated in the previous fiscal year].

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 212, Page 1, In the Title, Line 12, by inserting after “provisions” the following: “and an emergency clause for certain sections”; and

Further amend said bill, page 8, Section 217.030, line 13, by inserting after all of said line the following:

“217.195. 1. With the approval of [his division director] **the director of the department of corrections**, the chief administrative officer of any correctional center operated by the division may establish and operate a canteen or commissary for the use and benefit of the offenders.

2. [Each correctional center shall keep revenues received from the canteen or commissary established and operated by the correctional center in a separate account] **The “Inmate Canteen Fund” is hereby established in the state treasury and shall consist of funds received from the operation of the inmate canteens.** The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this [account] **fund**. The [remaining funds from sales of each commissary or canteen shall be deposited

monthly in a special fund to be known as the “Inmate Canteen Fund” which is hereby created and shall be expended by the appropriate division, for the benefit of] **proceeds generated from the operation of the inmate canteens shall be expended solely for any of the following, or combination thereof: the offenders in the improvement of recreational, religious, [or] educational services, or reentry services. All interest earned by the fund shall be credited to the fund and shall be used solely for the purposes described in this section.** The provisions of section 33.080 to the contrary notwithstanding, [the] **any money remaining in the inmate canteen fund at the end of the biennium shall be retained for the purposes specified in this section and shall not revert to the credit of or be transferred to general revenue. [The department shall keep accurate records of the source of money deposited in the inmate canteen fund and shall allocate appropriations from the fund to the appropriate correctional center.]**

217.199. 1. As used in this section, the following terms mean:

(1) “Appropriate quantity”, an amount per day capable of satisfying the individual need of the offender if used for the feminine hygiene product’s intended purpose;

(2) “Feminine hygiene products”, tampons and sanitary napkins.

2. The director shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center of the department. The director shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly may appropriate funds to assist the director in satisfying the requirements of this section.”; and

Further amend said bill, page 28, Section 217.829, line 37, by inserting after all of said line the following:

“221.065. 1. As used in this section, the following terms mean:

(1) “Appropriate quantity”, an amount of feminine hygiene products per day capable of satisfying the individual need of the offender if used for the feminine hygiene product’s intended purpose;

(2) “Feminine hygiene products”, tampons and sanitary napkins.

2. Every sheriff and jailer who holds a person in custody pursuant to a writ or process or for a criminal offense shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female persons while in custody. The sheriff or jailer shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly shall appropriate funds to assist sheriffs and jailers in satisfying the requirements of this section.”; and

Further amend said bill, page 64, Section 217.660, line 8, by inserting after all of said line the following:

“Section B. Because immediate action is necessary to ensure women incarcerated or held in custody are able to address their basic health needs, the enactment of sections 217.199 and 221.065 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 217.199 and 221.065 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 212, Page 8, Section 217.030, Line 13, by inserting after all of said line the following:

“217.243. 1. Effective January 1, 2023, any inmate who receives an on-site nonemergency medical examination or treatment from the correctional center’s medical personnel shall be assessed a co-pay fee of fifty cents per visit for the medical examination or treatment.

2. Inmates shall not be charged a co-pay fee for the following:

- (1) Staff-approved follow-up treatment for chronic illnesses;**
- (2) Preventive health care;**
- (3) Emergency services;**
- (4) Prenatal care;**
- (5) Diagnosis or treatment of infectious diseases;**
- (6) Mental health care; or**
- (7) Substance abuse treatment.**

3. Inmates without funds shall not be charged, provided they are considered to be indigent and are unable to pay the co-pay fee.

4. The department shall deposit all funds collected pursuant to this section in the general revenue fund of the state.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 212, Page 4, Section 149.076, Line 17, by inserting after all of said line the following:

“191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:

- (1) Buprenorphine [tablets];**
- (2) Methadone;**
- (3) Naloxone;**

(4) [Extended-release injectable] Naltrexone; and

(5) Buprenorphine/naloxone combination.

2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.

3. MAT medications provided for in this section shall not be subject to any of the following:

(1) Any annual or lifetime dollar limitations;

(2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);

(3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and

(4) Prior authorization for MAT medications as specified in this section.

4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.

5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.

6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.

7. The department of corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all persons under their care are assessed for substance abuse disorders using standard diagnostic criteria by a social worker, licensed professional counselor, licensed psychologist, or psychiatrist. The department of corrections or entity shall make available the MAT services covered in this section, consistent with a treatment plan developed by a physician, and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.

8. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.

[8.] **9.** Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted.

Senator Burlison offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Bill No. 212, Page 1, Line 11, by inserting after the word “Naltrexone” the following: “, **including but not limited to extended-release injectable naltrexone**”.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

Senator White offered **SA 2** to **SA 5**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Bill No. 212, Page 2, Line 49, by inserting immediately before the word “The” the following: “**Subject to appropriations,**”.

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Roberts moved that **SA 5**, as amended, be adopted, which motion prevailed.

Senator White moved that **SS** for **SB 212**, as amended, be adopted, which motion prevailed.

On motion of Senator White, **SS** for **SB 212**, as amended, was declared perfected and ordered printed.

Senator Bean assumed the Chair.

Senator Wieland moved that **SB 5**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal section 68.075, RSMo, and to enact in lieu thereof two new sections relating to certain infrastructure improvement districts.

Was taken up.

Senator Wieland moved that **SCS** for **SB 5** be adopted.

President Kehoe assumed the Chair.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, In the Title, Lines 2-3, by striking “certain infrastructure improvement districts” and inserting in lieu thereof the following: “political subdivisions”; and further amend said bill and page, section A, line 3, by inserting after all of said line the

following:

“67.301. 1. Notwithstanding any other provision of law to the contrary, no city, county, town, village, or political subdivision shall adopt or enforce any ordinance, order, or regulation that:

(1) Requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision;

(2) Imposes installation or operational requirements for the battery-charged fence that do not comply with either:

(a) The standards set by the International Electrotechnical Commission, as published June 29, 2018; or

(b) The requirements of the definition of a “battery-charged fence” under subsection 2 of this section; or

(3) Prohibits the installation or use of a battery-charged fence.

2. As used in this section, the following terms mean:

(1) “Alarm system”, an alarm system for which a permit may be issued by a political subdivision;

(2) “Battery-charged fence”, a fence that:

(a) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;

(b) Is located on property that is not designated by a city, county, town, village, or political subdivision for residential use;

(c) Has an energizer that is powered by a commercial storage battery that is no more than twelve volts of direct current and that periodically delivers voltage impulses to the fence;

(d) Produces an electric charge that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission, as published in the Commission’s standard on June 29, 2018;

(e) Is completely surrounded by a nonelectric perimeter fence or wall that is no less than five feet in height;

(f) Is no more than ten feet in height or, if part of a nonelectric fence or wall, no more than two feet higher than the nonelectric fence or wall, whichever is higher; and

(g) Is marked with conspicuous warning signs that are located on the battery-charged fence at intervals no more than sixty feet apart and that read “WARNING: ELECTRIC FENCE”.

3. Upon installation of a battery-charged fence, an installer shall deliver written notice to the chief administrator of the city, county, town, village, or political subdivision that:

(1) States that the battery-charged fence was installed;

(2) States the street address of the battery-charged fence; and

(3) Includes a certification that the battery-charged fence satisfies the definition of a “battery-

charged fence” under subsection 2 of this section and the standards for electric fence energizers set by the International Electrotechnical Commission, as published in the Commission’s standard on June 29, 2018.”; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator May offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, In the Title, Lines 2-3, by striking “certain infrastructure improvement districts” and inserting in lieu thereof the following: “incentives for economic development”; and

Further amend said bill, page 11, Section 620.2250, line 230, by inserting after all of said line the following:

“650.550. 1. There is hereby created in the state treasury the “Economic Distress Zone Fund”, which shall consist of money appropriated under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety to provide funding to organizations registered with the United States Internal Revenue Service as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure in for the purpose of deterring criminal behavior in such areas. Any moneys appropriated and any other moneys made available by gift, grant, bequest, contribution, or otherwise to carry out the purpose of this section, and all interest earned on, and income generated from, moneys in the fund shall be paid to, and deposited in, the economic distress zone fund.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys appropriated to the fund over three million dollars, excluding any moneys made available by gift, grant, bequest, contribution, or otherwise, that remain in the fund at the end of the biennium shall revert to the credit of the general revenue fund.

3. The department of public safety shall promulgate rules to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

4. As used in this section, “areas of high incidents of crime and deteriorating infrastructure” shall mean a city with a homicide rate of at least seven times the national average according to the Federal Bureau of Investigation’s Uniform Crime Reporting System; a poverty rate that exceeds twenty percent according to the United States Census Bureau; and has a school district with at least eighty

percent of students who qualify for free or reduced lunch.

5. The provisions of this section shall terminate on August 28, 2024.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 5, Page 10, Section 620.2250, Line 200, by striking the word “and”; and further amend line 203, by inserting immediately after the word “board” the following: “;

(5) The improvements utilizing TIME zone funding; and

(6) The amount of TIME zone funding utilized for each improvement and the total amount of TIME zone funds expended”.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Arthur offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

“620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company or qualified military project, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. The department shall respond to a written request, by or on behalf of a qualified manufacturing company, for a proposed benefit award under the provisions of this program within fifteen business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company or qualified military project, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company or qualified military project that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. The department shall certify or reject the qualifying company’s plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the

qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (24) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. **(1)** A qualified company or qualified military project receiving benefits under this program shall provide an annual report of the number of jobs, along with minority jobs created or retained, and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's or industrial development authority's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company or qualified military project has not maintained the employee insurance as required, if the department after a review determines the qualifying company fails to satisfy other aspects of their notice of intent, including failure to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, or if the number of jobs is below the number required, the qualified company or qualified military project shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company or qualified military project during such year.

(2) If a qualified company fails to timely file the annual report required in subdivision (1) of this subsection, the department shall communicate with an employee that is separate from the original point of contact for the department, provided such employee is designated in writing by the qualified company and preferably of an equivalent or higher supervisory role than the original point of contact, and using multiple means of communications if necessary, to inform the qualified company of the failure to timely file the annual report. If the qualified company requests an extension in writing to the department within thirty days following the deadline to file the annual report, the department

shall grant one thirty day extension beginning on the date that the request was received by the department to file the report without penalty. A failure to submit the report by the end of any extension granted by the department shall result in the forfeiture of tax credits and a recapture of withholding tax as provided in subdivision (1) of this subsection. A qualified company that had an annual report due between January 1, 2020, and September 1, 2021, shall not be subject to the forfeiture of tax credits attributable to the year for which the reporting was required or to the recapture of withholding taxes retained by the qualified company or qualified military project during such year so long as the annual report is filed with the department by November 1, 2021.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs; provided that, tax credits awarded under subsection 7 of section 620.2010 may be issued following the qualified company's acceptance of the department's proposal and pursuant to the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010.

5. Any qualified company or qualified military project approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company or qualified military project approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. (1) The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 14 of this section:

(a) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

(b) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized;

(c) For fiscal years beginning on or after July 1, 2015, but ending on or before June 30, 2020, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year; and

(d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred six million dollars in tax credits may be authorized for each fiscal year. The provisions of this paragraph shall not apply to tax credits issued to qualified companies under a notice of intent filed prior to July 1, 2020.

(2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an additional ten million dollars

in tax credits may be authorized for each fiscal year for the purpose of the completion of infrastructure projects directly connected with the creation or retention of jobs under the provisions of sections 620.2000 to 620.2020 and an additional ten million dollars in tax credits may be authorized for each fiscal year for a qualified manufacturing company based on a manufacturing capital investment as set forth in section 620.2010.

8. For all fiscal years beginning on or after July 1, 2020, the maximum total amount of withholding tax that may be authorized for retention for the creation of new jobs under the provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized for retention for the creation of new jobs by qualified companies with a project facility base employment of less than fifty.

9. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company or qualified military project under this program; provided that, the department may reserve up to twenty-one and one-half percent of the maximum annual amount of tax credits that may be authorized under subsection 7 of this section for award under subsection 7 of section 620.2010. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department or, for qualified military projects, annual verification of average salary for the jobs directly created by the qualified military project. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company or qualified military project meets the applicable minimum new job requirements or, for benefits awarded under subsection 7 of section 620.2010, until the qualified company has satisfied the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010. In the event the qualified company or qualified military project does not meet the applicable minimum new job requirements, the qualified company or qualified military project may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company or qualified military project at the project facility or other facilities.

10. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

11. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the

department of commerce and insurance that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of commerce and insurance, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

12. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

13. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

14. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

15. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

16. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

- (1) A list of all approved and disapproved applicants for each tax credit;
- (2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;
- (3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;
- (4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and
- (5) The department's response time for each request for a proposed benefit award under this program.

17. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

18. Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.2000 to 620.2020; and
- (3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.”; and

Further amend said bill, page 11, Section 620.2250, line 230, by inserting after all of said line the following:

“Section B. Because of the importance of economic development to the state of Missouri, the repeal and reenactment of section 620.2020 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 620.2020 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

“49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification and any county of the third, second, or first classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.

3. For any courthouse that contains both a county office and a courtroom, the presiding judge of the circuit in which the courthouse is located may establish rules for courtrooms, jury rooms, and chambers or offices of the court, but the county commission shall have authority over all other areas of the courthouse.

50.660. All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than [six] **twelve** thousand dollars. It is not necessary to obtain bids on any purchase in the amount of [six] **twelve** thousand dollars or less made from any one person, firm or corporation during any period of ninety days. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the

quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

50.783. 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

- (1) Supplies are proprietary and only available from the manufacturer or a single distributor; or
- (2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
- (3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is over [six] **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is over [six] **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.”; and

Further amend said bill, section 68.075, page 4, line 87, by inserting after all of said line the following:

“115.646. No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision, **including school districts and charter schools**, to advocate, support, or oppose **the passage or defeat of** any ballot measure or **the nomination or election of any** candidate for public office, **or to direct any public funds to, or pay any debts or obligations of, any committee supporting or opposing such ballot measures or candidates**. This section shall not be construed to prohibit any public official of a political subdivision, **including school districts and charter schools**, from making public appearances or from issuing press releases concerning any such ballot measure. **Any purposeful violation of this section shall be punished as a class four election offense.**

221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

(1) Until July 1, 1996, seventeen dollars per day per prisoner;

(2) On and after July 1, 1996, twenty dollars per day per prisoner;

(3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations[, but not less than the amount appropriated in the previous fiscal year].

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand

five hundred inmates or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of [the courthouse,] **courtrooms, jury rooms, and chambers or offices of the court;** serving court-generated papers and orders[,]; and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

(1) Serve process;

(2) Wear a concealable firearm; and

(3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

“139.100. 1. **(1)** If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing **and in the absence of an agreement entered into pursuant to subdivision (2) of this subsection**, to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100.

(2) For all property tax liabilities incurred on or after January 1, 2020, the collector may enter into an agreement with any taxpayer for the payment of any amount of tax not paid at the time required by law, including a waiver or reduction of penalties and interest on such taxes, provided that any such agreement shall require such taxes to be paid to the collector by no later than twelve months after the

date such taxes are required to be paid by law.

(3) For any taxpayer that has paid penalties and interest on property tax liabilities not paid at the time required by law, and such penalties and interest are subsequently reduced or waived through an agreement entered into pursuant to subdivision (2) of this subsection, that portion of penalties and interest paid and subsequently reduced or waived shall be credited to the taxpayer on such taxpayer's tax liability for the subsequent year. Each calendar year, the county shall reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties and interest that were collected and distributed during the previous calendar year, but were then subsequently reduced or waived pursuant to subdivision (2) of this subsection.

2. Collectors shall, on the day of their annual settlement with the county governing body, file with governing body a statement, under oath, of the amount so received, and from whom received, and settle with the governing body therefor; but, interest shall not be chargeable against persons who are absent from their homes, and engaged in the military service of this state or of the United States. The provisions of this section shall apply to the City of St. Louis, so far as the same relates to the addition of such interest, which, in such city, shall be collected and accounted for by the collector as other taxes, for which he shall receive no compensation.

3. Whenever any collector of the revenue in the state fails or refuses to collect the penalty provided for in this section on state and county taxes, it shall be the duty of the director of revenue and county clerk to charge such collectors with the amount of interest due thereon, as shown by the returns of the county clerk, and such collector shall be liable to the penalties as provided for in section 139.270.

4. For purposes of this section and other provisions of law relating to the timely payment of taxes due on any real or personal property, payments for taxes due on any real or personal property which are delivered by United States mail to the collector, the collector's office, or other officer or office designated by the county or city to receive such payments, of the appropriate county or city, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of taxes due is sent by registered or certified mail, the date of registration or certification shall be deemed the postmark date. No additional tax or penalty shall be imposed under this section on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment or if the postmaster for the jurisdiction where the payment was mailed verifies in writing that the payment was deposited in the United States mail within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment, and was delayed in delivery because of an error by the United States postal service and not because of an error by the taxpayer. In the absence of a postmark, or if the postmark is illegible or otherwise inconclusive, the collector may use the collector's judgment regarding the timeliness of the payment contained therein and shall document such decision.”; and

Further amend said bill, section 620.2250, page 11, line 230, by inserting after all of said line the following:

“Section B. Because of the importance of property tax relief, the repeal and reenactment of section 139.100 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 139.100 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

“67.990. 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993 and, **if in a county**, only in accordance with the fund budget approved by the county [or city] governing body.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall _____ (name of county/city) levy a tax of _____ cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?

☐ YES

☐ NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of the county or city not within a county, the tax so approved shall be imposed upon all taxable property within the county or city and the proceeds therefrom shall be deposited in a special fund, to be known as the “Senior Citizens’ Services Fund”, which is hereby established within the county or city treasury. No moneys in the senior citizens’ services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.

2. Upon approval of the tax authorized by section 67.990 by the voters of the county or city, the governing body of the county or the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the county or city at large and shall, as nearly as practicable, represent the various groups to be served by the board. Each director shall be a resident of the county or city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the governing

body of the county or mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the senior citizens' services fund.

3. The administrative control and management of the funds in the senior citizens' services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section[;], except [that], **in counties**, the budget for the senior citizens' services fund shall be approved by the governing body of the county [or city] prior to making of any payments from the fund in any fiscal year. The board of directors shall use the funds in the senior citizens' services fund to provide programs which will improve the health, nutrition, and quality of life of persons who are sixty years of age or older. The budget may allocate funds for operational and capital needs to senior-related programs in the county or city in which such property taxes are collected. No funds in the senior citizens' services fund may be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating, in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 67.990.

4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A majority of the board of directors shall constitute a quorum.

5. The board of directors, with the approval of the governing body of the county or city, may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and funded under sections 67.990 to 67.995[,] and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange are used exclusively to fund such programs. **For a city not within a county, the board of directors may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.”;** and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Crawford offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

“50.166. 1. In all cases of claims allowed against the county, and in all cases of grants, salaries, pay and expenses allowed by law, the county clerk may fill in on a form of warrant the amount due as approved by the county commission and other necessary information. The form of the warrant thus filled in by the county clerk may be transmitted to the county treasurer. The warrant may be in such form that a single instrument may serve as the warrant and the county treasurer's draft or check, and may be so designed that it is a nonnegotiable warrant when signed by the county clerk and becomes a negotiable check or draft after it has been signed by the county treasurer.

2. Upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant, unless such warrant is received in the absence of a check then the county treasurer shall have access to the information necessary to process the warrant.

3. No official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county official that is financially relevant to his or her duties under section 50.330, except that any county official may redact, remove, or delete any personal identifying information, including a Social Security number, financial account numbers, medical information, or any other personal identifying information, before submission to the county treasurer.

4. No county treasurer shall refuse to release funds for the payment of any properly approved expenditure.”; and

Further amend the title and enacting clause accordingly.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 5, Page 11, Section 620.2250, Line 230, by inserting after all of said line the following:

“Section 1. No entity in this state shall require documentation of an individual having received a vaccination against any disease in order for the individual to access transportation systems or services or other public accommodation, including but not limited to buses, air travel, rail travel, taxicab or limousine services, prearranged rides as defined in section 387.400, other public transportation, or any public transportation facilities, including but not limited to bus and airport facilities.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 82, by striking “2027” and inserting in lieu thereof the following: **“2030”**; and further amend line 87 by striking “2027” and inserting in lieu thereof the following: **“2030”**.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator O’Laughlin offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

“91.450. Any city of the third or fourth class, and any town or village, and any city now organized or which may hereafter be organized and having a special charter, and which now has or may hereafter have

less than thirty thousand inhabitants, shall have power to erect or to acquire, by purchase or otherwise, maintain and operate, waterworks, gas works, electric light and power plant, steam heating plant, or any other device or plant for furnishing light, power or heat, telephone plant or exchange, street railway or any other public transportation, conduit system, public auditorium or convention hall, which are hereby declared public utilities, and such cities, towns or villages are hereby authorized and empowered to provide for the erection or extension of the same by the issue of bonds therefor, and any city, town or village which may own, maintain or operate, and which may hereafter acquire, by purchase or otherwise, and operate, or which may engage in the construction of any of the plants, systems or works mentioned in this section, is hereby authorized and empowered to establish, by ordinance, within such city, town or village, an executive department to be known as “The Board of Public Works”, to consist of four persons, electors of said city, town or village, who have resided therein for a period of two years next before their appointment, **or, for any county of the third classification, any resident of the county that receives services from such board**, who shall be appointed by the mayor of such city, town or village, and confirmed by the common council in such manner as other appointive officers of such city, town or village are appointed and confirmed. The members of such board shall hold office for a term of four years each, or until their successors are appointed and qualified; provided, that the members of said board shall hold office for a term of four years each, except the first incumbents, as members of said board of public works, who shall be appointed and hold office for the term of one, two, three and four years respectively.”; and

Further amend the title and enacting clause accordingly.

Senator O’Laughlin moved that the above amendment be adopted, which motion prevailed.

Senator Bean assumed the Chair.

Senator Luetkemeyer offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor’s books; those same assessed

values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year, **provided that no real residential property shall be assessed at a value that exceeds the previous assessed value for such property, exclusive of new construction and improvements, by more than the percentage increase in the consumer price index or five percent, whichever is greater.** The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of

section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general

reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444."; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Hough and Koenig.

SA 12 was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Eigel	Eslinger
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	O'Laughlin
Onder	Rehder	Riddle	Rowden	White	Wieland—20	

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators

Cierpiot

Crawford

Moon

Schatz—4

Absent with leave—Senators—None

Vacancies—None

Senator Brattin offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

“50.530. As used in sections 50.530 to 50.745:

(1) “Accounting officer” means county auditor in counties of the first and second classifications and the county clerks in counties of the third and fourth classifications;

(2) “Budget officer” means such person, as may, from time to time, be appointed by the county commission of counties of the first classification except in counties of the first classification with a population of less than one hundred thousand inhabitants according to the official United States Census of 1970 the county auditor shall be the chief budget officer, the presiding commissioner of the county commission in counties of the second classification, unless the county commission designates the county clerk as budget officer, and the county clerk in counties of the third and fourth classification. [Notwithstanding the provisions of this subdivision to the contrary, in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.]; and

Further amend said bill, section 68.075, page 4, line 87, by inserting after all of said line the following:

“162.441. 1. If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters **at a state general election**.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district **at a state general election** to attach the district to one or more adjacent seven-director districts and call an election upon the question of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district **at a state general election** to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school

district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

5. The question shall be **approved by the school district and the ballot language shall include the tax rate and assessed valuation of the school district prior to and after approval of the question.** [submitted in substantially the following form:

Shall the _____ school district be annexed to the _____ school districts effective the _____ day of _____, _____?]

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

8. (1) The school board of any school district which has been attached to a community college district or to another seven-director school district pursuant to this section may submit to the voters at a state general election the question of whether to void any annexation completed pursuant to this section and to return the boundaries of such school district to those in existence prior to the annexation. The question shall be submitted in substantially the following form:

Shall the _____ school district void the annexation to the _____ community college district and return the boundaries of such school district to those in existence prior to the annexation?

(2) If a majority of the votes cast in the district proposing to void the annexation favor voiding the annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which the voiding the annexation is proposed. Upon the effective date of a proposal under this subsection, applicable property and money belonging to the school district shall immediately revert back to the school district.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Wieland moved that **SCS for SB 5**, as amended, be adopted, which motion failed.

On motion of Senator Wieland, **SB 5** was declared perfected and ordered printed.

RESOLUTIONS

Senator Eslinger offered Senate Resolution No. 213, regarding Omanez Fockler, Houston, which was adopted.

Senator Riddle offered Senate Resolution No. 214, regarding Blake G. Wright, Verona, which was

adopted.

Senator Riddle offered Senate Resolution No. 215, regarding Jackson T. Bailey, Willow Springs, which was adopted.

INTRODUCTION OF GUESTS

Senator Bernskoetter introduced to the Senate, the Fatima Comets Class 3 state champion cross country team.

Senator Bernskoetter introduced to the Senate, Class 1 Lady Eagles softball team, Vienna.

Senator Cierpiot introduced to the Senate, his cousin, Samson Braddock; and Mary Braddock, Kansas City.

Senator Hoskins introduced to the Senate, the University of Central Missouri Sesquicentennial Delegation: Steve Abney, Ken Weymuth, Roger Best, Zac Racy, Justin Cobb, Phil Bridgmon, Shari Bax, Michael Lewis, Hailey LeMaster, Jeff Murphey, David Pearce; and John Collier.

Senator Burlison introduced to the Senate, David Foreman, Jesse Coole, Doug Fronic; and Kyle Mathias.

Senator Crawford introduced to the Senate, Leadership Lebanon.

Senator Burlison introduced to the Senate, Courtney Gutche and Celeste Andrews, Springfield.

Senator Koenig introduced to the Senate, Asher Bradley Wilhelm, Jefferson City.

Senator Williams introduced to the Senate, Brianna Conley, St. Louis.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY—THURSDAY, APRIL 8, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 432
HCS for HB 228
HB 273-Hannegan
HB 687-Riley
HB 585-Houx
HB 76-Murphy
HB 542-Shields
HB 627-Patterson
HS for HCS for HB 543

HS for HCS for HB 738
HB 295-Roberts
HS for HB 533
HB 834-Wright
HB 530-Evans
HCS for HBs 557 & 560
HCS#2 for HB 69
HB 488-Hicks
HB 202-McGill

HB 387-Bailey	HCS for HB 369
HCS for HBs 1123 & 1221	HCS for HB 384
HCS for HB 697	HCS for HB 1
HCS for HB 529	HCS for HB 2
HCS for HRB 1	HCS for HB 3
HCS for HJR 23 & 38	HCS for HB 4
HB 100-Sharp (36)	HCS for HB 5
HB 262-Black (137)	HCS for HB 6
HB 296-Wallingford	HCS for HB 7
HB 298-Wallingford	HCS for HB 8
HB 404-Aldridge	HCS for HB 9
HB 449-Tate	HCS for HB 10
HB 522-Windham	HCS for HB 11
HB 640-Morse	HCS for HB 12
HCS for HB 676	HCS for HB 13
HB 763-Chipman	HCS for HB 15
HB 1053-Patterson	HS for HCS for HB 306
HCS for HB 733	HCS for HB 1236
HCS for HB 592	HCS for HB 744
HB 380-Walsh (50)	

THIRD READING OF SENATE BILLS

SCS for SB 40-Burlison
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|------------------------------------|
| 1. SB 36-Bernskoetter | 13. SB 138-Brattin, with SCS |
| 2. SB 57-May, with SCS | 14. SB 78-Beck |
| 3. SB 354-Hoskins, with SCS | 15. SB 74-Bean, with SCS |
| 4. SB 126-Brown, with SCS | 16. SB 343-Brown |
| 5. SB 287-Crawford | 17. SB 95-Onder, with SCS |
| 6. SB 282-Hegeman, with SCS | 18. SB 30-Cierpiot |
| 7. SB 202-Cierpiot, with SCS | 19. SB 134-O’Laughlin and Cierpiot |
| 8. SB 44-White | 20. SB 98-Hoskins, with SCS |
| 9. SB 71-Gannon, with SCS | 21. SB 360-Wieland, with SCS |
| 10. SB 254-Riddle, with SCS | 22. SB 45-Hough |
| 11. SB 94-Onder | 23. SB 65-Rehder, with SCS |
| 12. SB 206-Arthur | 24. SB 253-Hegeman |

- | | |
|-----------------------------------|----------------------------------|
| 25. SJR 12-Luetkemeyer | 57. SB 547-Hoskins, with SCS |
| 26. SB 131-Luetkemeyer | 58. SB 236-Hough, with SCS |
| 27. SB 291-Brown | 59. SJR 16-Eslinger |
| 28. SB 306-Bernskoetter, with SCS | 60. SB 182-O'Laughlin |
| 29. SB 255-Riddle | 61. SB 361-Wieland |
| 30. SB 404-Riddle | 62. SB 481-Hough, et al |
| 31. SB 334-Bernskoetter | 63. SB 370-Brown |
| 32. SB 96-Hoskins, with SCS | 64. SB 54-O'Laughlin, with SCS |
| 33. SB 183-O'Laughlin | 65. SB 390-Luetkemeyer |
| 34. SB 459-Brattin, with SCS | 66. SB 400-Onder, with SCS |
| 35. SB 198-Eigel, with SCS | 67. SB 437-Hoskins |
| 36. SJR 7-Eigel | 68. SB 466-Hoskins, with SCS |
| 37. SB 114-Bernskoetter | 69. SB 604-Koenig, with SCS |
| 38. SB 316-Hough | 70. SB 313-Eigel |
| 39. SB 372-Riddle | 71. SB 529-Cierpiot |
| 40. SB 195-Koenig | 72. SB 577-Riddle, with SCS |
| 41. SB 295-Crawford, with SCS | 73. SB 62-Williams, with SCS |
| 42. SB 169-Burlison | 74. SB 383-Moon |
| 43. SB 139-Bean | 75. SB 272-Mosley, with SCS |
| 44. SB 204-Cierpiot, with SCS | 76. SB 244-Onder |
| 45. SB 369-White | 77. SB 184-Bean, with SCS |
| 46. SB 105-Crawford, with SCS | 78. SB 92-Riddle, with SCS |
| 47. SB 473-Brown | 79. SB 562-Schupp |
| 48. SB 168-Burlison | 80. SB 132-O'Laughlin, with SCS |
| 49. SB 434-Washington | 81. SB 561-Gannon |
| 50. SB 465-Hoskins, with SCS | 82. SB 582-Eslinger |
| 51. SB 174-Hough, with SCS | 83. SB 375-Eigel |
| 52. SB 227-Arthur | 84. SB 506-Bean |
| 53. SJR 4-Koenig | 85. SB 317-May |
| 54. SB 318-May, with SCS | 86. SB 323-May |
| 55. SB 408-Wieland | 87. SB 218-Luetkemeyer, with SCS |
| 56. SB 399-Eigel | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|---|
| SB 1-Hegeman, with SS (pending) | SB 24-Eigel, with SS#2 (pending) |
| SB 3-Hegeman | SB 47-Hough |
| SB 7-Riddle, with SS & SA 1 (pending) | SBs 55, 23 & 25-O'Laughlin, et al, with |
| SB 10-Schatz, with SS (pending) | SCS & SS for SCS (pending) |
| SB 11-Schatz | SB 100-Koenig, with SCS |

SB 123-Hough, with SS & SA 2 (pending)
SB 137-Brattin
SB 149-Onder
SB 163-Cierpiot

SB 179-Luetkemeyer
SB 301-Bernskoetter, with SCS & SA 1
(pending)
SJR 2-Onder, with SCS

HOUSE BILLS ON THIRD READING

SS for SCS for HCS for HB 429 (Koenig)
(In Fiscal Oversight)

SS for SCS for HCS for HB 430 (Rehder)
(In Fiscal Oversight)

RESOLUTIONS

Reported from Committee

SCR 6-Moon
SCR 15-Bernskoetter

SCR 16-Schatz

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY—THURSDAY, APRIL 8, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“The Lord has done great things for us; therefore, we rejoice.” (Psalm 126:3)

Loving Lord, Your promises are fulfilled in our lives. Lord, let us never doubt what You have said will come true for we depend on You throughout our daily living many times when we feel the weakest. So, let us have a fervent faithfulness and be a witness to You every waking hour. And let us share that joy in knowing You with those You have placed in our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Riddle—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 216, regarding Hannah Butts, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 217, regarding Nicholas Begley, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 218, regarding Madison Wells, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 219, regarding Isabelle Christus, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 220, regarding Reese Hill, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 221, regarding Kaleighan Chastain, Kansas City, which was adopted.

Senator Schupp offered the following resolution:

SENATE RESOLUTION NO. 222

Whereas, this year Holocaust and Heroism Remembrance Day, known in Israel as Yom HaShoah, begins at sundown on Wednesday, April 7th and ends at sundown today, April 8th. In Israel, Yom HaShoah falls on the 27th day of the month of Nisan, which falls on different dates in the United States from year-to-year; and

Whereas, on this date we commemorate those who participated in the Warsaw Ghetto Uprising and, for several weeks and against all odds, fended off the Nazis' attempts to deport and murder them. In Israel, on the morning of Yom HaShoah, a siren is sounded for two minutes throughout the country, and all work and other activity stops while people remember and honor all who died in the Holocaust; and

Whereas, the Holocaust Education and Awareness Commission of the State of Missouri, whose mission is to promote Holocaust education and awareness throughout the state in order to broaden understanding and discourage bigotry, understands that we must learn from the past so that we do not repeat it; and

Whereas, learning from the past means strongly condemning anti-Semitism, as well as intolerance in all forms and any variety of Holocaust denial. As is widely known, acts of anti-Semitism continue to occur. It has been documented that they are on the rise. One hears and reads of them even within the state of Missouri. Such acts of intolerance, against anyone, should be condemned. Just as neighbors can harm neighbors, neighbors can also stand with neighbors, working to help one another and to improve one another's lives; and

Whereas, it is undeniable that the Holocaust happened. It was among the defining events of the twentieth century. There are still survivors who recall it, and we must hear their stories and learn from them. Listening to survivors, learning from the mistakes of the past, and respectfully looking out for one another's well-being are steps that each of us can take to ensure that the Holocaust never happens again:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, hereby commemorate Holocaust and Heroism Remembrance Day, known in Israel as Yom HaShoah, remember and honor all of those persons who died in the Holocaust, and condemn all acts of intolerance against any person; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Holocaust Education and Awareness Commission of the State of Missouri.

The Senate observed a moment of silence in remembrance of the Holocaust.

CONCURRENT RESOLUTIONS

Senator Brattin offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, in 1922 the United States Supreme Court ruled that the Sherman Antitrust Act did not apply to Major League Baseball because the league is a sport and not a business; and

Whereas, Major League Baseball chose to politicize baseball by moving the All-Star Game out of the state of Georgia based on misleading

and factually inaccurate information about the Georgia voting law; and

Whereas, Major League Baseball's decision to move the All-Star Game to Colorado, a state with substantially similar voting laws to Georgia, is rank hypocrisy and suggests Major League Baseball's decision is not based on its interest in voting laws but rather partisanship and public relations; and

Whereas, the move will cost the state of Georgia an estimated \$100 million; and

Whereas, in 2019, the combined revenue of all Major League Baseball teams was \$10.37 billion and the average revenue per Major League Baseball team was \$345.8 million, Major League Baseball is structured as a business, functions as a business, and realizes revenue far and above most businesses, Major League Baseball is a business and should be treated as such; and

Whereas, it is time for the federal government to stop granting special privileges to specific, favored corporations, especially ones that use their position and power to punish their political opponents; and

Whereas, the antitrust exemption for Major League Baseball has been debated for years, its actions have shown it is not just a sport, and it is time to end the league's special status:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on the United State Congress to pass the Teddy Roosevelt Fair Competition and Public Trust Act of 2021 to abrogate the holding in *Federal Baseball Club v. National League*, 259 U.S. 200 (1922), thereby ending Major League Baseball's antitrust exemption; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 212** and **SB 5**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 40**, **SS** for **SCS** for **HCS** for **HB 429** and **SS** for **SCS** for **HCS** for **HB 430**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Schatz referred **SS** for **SB 212** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SCS for **SB 40**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 40

An Act to repeal sections 260.373, 260.380, 260.437, 260.475, 260.520, 643.079, 643.310, 644.057, and 644.079, RSMo, and to enact in lieu thereof twelve new sections relating to the department of natural resources.

Was taken up by Senator Burlison.

Senator Bean assumed the Chair.

On motion of Senator Burlison, **SCS** for **SB 40** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators—None

Absent with leave—Senator Riddle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Burlison, title to the bill was agreed to.

Senator Burlison moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Rehder moved that **SS** for **SCS** for **HCS** for **HB 430** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 430** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder
Razer	Rehder	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senator Riddle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rehder, title to the bill was agreed to.

Senator Rehder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 429** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 429** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder
Razer	Rehder	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland	Williams—31				

NAYS—Senators

Moon Schupp—2

Absent—Senators—None

Absent with leave—Senator Riddle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Bernskoetter moved that **SB 36** be taken up for perfection, which motion prevailed.

Senator Bernskoetter offered **SS** for **SB 36**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 36**

An Act to repeal sections 135.305, 135.686, 135.750, and 348.436, RSMo, and to enact in lieu thereof seven new sections relating to tax credits.

Senator Bernskoetter moved that **SS** for **SB 36** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 36, Page 1, In the Title, Line 4, by striking “tax credits” and inserting in lieu thereof the following: “taxation”; and

Further amend said bill, page 16, section 135.1610, line 73, by inserting after all of said line the

following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than five reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2021 calendar year, the top rate of tax under subsection 1 of this section may be reduced pursuant

to subdivision (2) of this subsection. Each reduction in the top rate of tax shall be by one-tenth of one percent. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) (a) A reduction in the rate of tax pursuant to this subsection shall only occur if net general revenue collected in a fiscal year exceeds baseline net general revenue collections. An additional reduction shall be made for every one hundred million dollars of net general revenue collected during a fiscal year that is in excess of baseline net general revenue collections, and more than one reduction may occur in a calendar year.

(b) Reductions in the rate of tax made pursuant to this subsection shall be permanent and the rate of tax shall not be increased if net general revenue collected in a fiscal year is less than baseline net general revenue collections.

(3) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] 6. As used in this section, the following terms mean:

(1) “Baseline net general revenue collections”, ten billion, three hundred million dollars, increased by one hundred million dollars for every reduction in the rate of tax made pursuant to subsection 4 of this section.

(2) “CPI”, the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

[(2)] (3) “CPI for the preceding calendar year”, the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

[(3)] (4) “Net general revenue collected”, all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

[(4)] (5) “Percent increase in inflation”, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He

was joined in his request by Senators Brattin, Burlison, Koenig, and Moon.

Senator Rizzo raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Rowden assumed the Chair.

SA 1 was adopted by the following vote:

YEAS—Senators

Bean	Brattin	Brown	Burlison	Eigel	Hegeman	Hoskins
Koenig	Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Rowden
Schatz	Wieland—16					

NAYS—Senators

Arthur	Beck	Bernskoetter	Crawford	Gannon	May	Mosley
Razer	Rizzo	Roberts	Schupp	Washington	White	Williams—14

Absent—Senators

Cierpiot	Eslinger	Hough—3
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Absent with leave—Senator Riddle—1

Vacancies—None

Senator Moon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 36, Page 16, Section 135.1610, Line 73, by inserting after all of said line the following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000

Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than five reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2022 calendar year, the top rate of tax under subsection 1 of this section may be reduced by seventeen-hundredths of one percent. Such reduction in the rate of tax shall take effect on January first of a calendar year.

(2) A reduction in the rate of tax under this subsection shall only occur if one or more institutions is subject to the tax imposed on the endowments of institutions of higher education under section 146.200.

(3) The modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall

take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] **6.** As used in this section, the following terms mean:

(1) “CPI”, the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) “CPI for the preceding calendar year”, the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) “Net general revenue collected”, all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) “Percent increase in inflation”, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

146.200. 1. As used in this section, the following terms shall mean:

(1) “Endowment”, a permanent fund held by an institution of higher education that:

(a) Consists of property, cash, cash equivalents, stocks, bonds, or any other marketable security;

(b) Is used for purposes indicated by donors to such fund or for other purposes related to the mission of the institution of higher education; and

(c) Attempts to maintain and grow the principal of such fund, while annually disbursing all or part of investment earnings generated by the fund;

(2) “Qualifying institution of higher education”, an institution of higher education that:

(a) Is affiliated with, or provides medical faculty to, any abortion facility, as such term is defined in section 188.015;

(b) Offers specific medical residencies or fellowships that offer training in performing or inducing abortions; or

(c) Supports in any manner any abortion facility where abortions are performed or induced when not necessary to save the life of the mother.

2. For all tax years beginning on or after January 1, 2022, a tax is hereby imposed for every tax year on the endowment of a qualifying institution of higher education at a rate of one and nine-tenths percent of the aggregate fair market value of the assets of such endowment. Any institution that becomes a qualifying institution of higher education on or after January 1, 2022, shall remain subject to the tax imposed under this section regardless of whether such institution no longer meets the definition of a qualifying institution of higher education as defined under this section.

3. Revenues generated by the tax imposed under this section shall be deposited in the general revenue fund.

4. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator Arthur raised the point of order that **SA 2** is out of order as it has previously amended material.

The point of order was referred to the President Pro Tem.

At the request of Senator Moon, **SA 2** was withdrawn, rendering the point of order moot.

At the request of Senator Bernskoetter, **SB 36**, with **SS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 604**, entitled:

An Act to repeal section 303.220, RSMo, and to enact in lieu thereof two new sections relating to the regulation of insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 6**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing Section 12 of Article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the state department of defense.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 678**, entitled:

An Act to repeal sections 49.310, 476.083, and 478.600, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof four new

sections relating to areas of a court of law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 299**, entitled:

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1242**, entitled:

An Act to repeal sections 211.181, 211.435, 211.438, 211.439, and 485.060, RSMo, and to enact in lieu thereof four new sections relating to court proceedings, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 167**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to military site designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 391**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to members of the Missouri National Guard.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 252**, entitled:

An Act to repeal sections 67.1360, 94.834, and 94.838, RSMo, and to enact in lieu thereof seven new sections relating to transient guest taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 563**, entitled:

An Act to repeal section 140.981, RSMo, and to enact in lieu thereof one new section relating to land banks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 60**, entitled:

An Act to repeal section 650.005, RSMo, and to enact in lieu thereof six new sections relating to the state department of defense, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator White submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 345**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HS for **HB 432**—Seniors, Families, Veterans & Military Affairs.

HCS for **HB 228**—Education.

HB 273—Professional Registration.

HB 687—Transportation, Infrastructure and Public Safety.

HB 585—General Laws.

HB 76—Seniors, Families, Veterans & Military Affairs.

HB 542—Professional Registration.

HB 627—Education.

HS for **HCS** for **HB 543**—Education.

HS for **HCS** for **HB 738**—Local Government and Elections.

HB 295—Transportation, Infrastructure and Public Safety.

HS for **HB 533**—General Laws.

HB 834—Governmental Accountability and Fiscal Oversight.

HB 530—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HBs 557 & 560**—Seniors, Families, Veterans & Military Affairs.

HCS No. 2 for **HB 69**—Small Business and Industry.

HB 488—Commerce, Consumer Protection, Energy and the Environment.

HB 202—Progress and Development.

HB 387—Education.

HCS for **HBs 1123 & 1221**—Seniors, Families, Veterans & Military Affairs.

HCS for **HB 697**—Insurance and Banking.

HCS for **HB 529**—Agriculture, Food Production and Outdoor Resources.

HCS for **HRB 1**—Governmental Accountability and Fiscal Oversight.

HCS for **HJR 23 & 38**—Agriculture, Food Production and Outdoor Resources.

HB 100—Progress and Development.

HB 262—Transportation, Infrastructure and Public Safety.

HB 296—Seniors, Families, Veterans & Military Affairs.

HB 298—Seniors, Families, Veterans & Military Affairs.

HB 404—Progress and Development.

HB 449—Progress and Development.

HB 522—Progress and Development.

HB 640—Progress and Development.

HCS for **HB 676**—Judiciary and Civil and Criminal Jurisprudence.

HB 763—Governmental Accountability and Fiscal Oversight.

HB 1053—Progress and Development.

HCS for HB 733—Education.

HCS for HB 592—Transportation, Infrastructure and Public Safety.

HB 380—Transportation, Infrastructure and Public Safety.

HCS for HB 369—Agriculture, Food Production and Outdoor Resources.

HCS for HB 384—Insurance and Banking.

HCS for HB 1—Appropriations.

HCS for HB 2—Appropriations.

HCS for HB 3—Appropriations.

HCS for HB 4—Appropriations.

HCS for HB 5—Appropriations.

HCS for HB 6—Appropriations.

HCS for HB 7—Appropriations.

HCS for HB 8—Appropriations.

HCS for HB 9—Appropriations.

HCS for HB 10—Appropriations.

HCS for HB 11—Appropriations.

HCS for HB 12—Appropriations.

HCS for HB 13—Appropriations.

HCS for HB 15—Appropriations.

RESOLUTIONS

Senator Roberts offered Senate Resolution No. 223, regarding the death of Edward J. “Ted” Koplar, which was adopted.

Senator Schupp offered Senate Resolution No. 224, regarding the Eightieth Anniversary of the Ranken Jordan Pediatric Bridge Hospital, Maryland Heights, which was adopted.

INTRODUCTION OF GUESTS

Senator Bernskoetter introduced to the Senate, the Helias Catholic Class 4 state champion football team.

Senator Hoskins introduced to the Senate, Edie Bauer, Loose Creek.

Senator Mosley introduced to the Senate, Theda Person, Ferguson.

Senator Bernskoetter introduced to the Senate, St. Peters Interparish Catholic School 4th grade class.

Senator Rehder introduced to the Senate, Gage Davis, Argle.

On motion of Senator White, the Senate adjourned until 4:00 p.m., Monday, April 12, 2021.

SENATE CALENDAR

FORTY-SEVENTH DAY—MONDAY, APRIL 12, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 306	HCS for HB 1242
HCS for HB 1236	HB 167-Hardwick
HCS for HB 744	HB 391-Griffith
HB 604-Gregory (51)	HCS for HB 252
HJR 6-Schnelting	HB 563-Owen
HB 678-Eggleston	HB 60-Schnelting
HB 299-Wallingford	

THIRD READING OF SENATE BILLS

SS for SB 212-White (In Fiscal Oversight)	SB 5-Wieland
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SENATE BILLS FOR PERFECTION

1. SB 57-May, with SCS	10. SB 94-Onder
2. SB 354-Hoskins, with SCS	11. SB 206-Arthur
3. SB 126-Brown, with SCS	12. SB 138-Brattin, with SCS
4. SB 287-Crawford	13. SB 78-Beck
5. SB 282-Hegeman, with SCS	14. SB 74-Bean, with SCS
6. SB 202-Cierpiot, with SCS	15. SB 343-Brown
7. SB 44-White	16. SB 95-Onder, with SCS
8. SB 71-Gannon, with SCS	17. SB 30-Cierpiot
9. SB 254-Riddle, with SCS	18. SB 134-O’Laughlin and Cierpiot

19. SB 98-Hoskins, with SCS
20. SB 360-Wieland, with SCS
21. SB 45-Hough
22. SB 65-Rehder, with SCS
23. SB 253-Hegeman
24. SJR 12-Luetkemeyer
25. SB 131-Luetkemeyer
26. SB 291-Brown
27. SB 306-Bernskoetter, with SCS
28. SB 255-Riddle
29. SB 404-Riddle
30. SB 334-Bernskoetter
31. SB 96-Hoskins, with SCS
32. SB 183-O'Laughlin
33. SB 459-Brattin, with SCS
34. SB 198-Eigel, with SCS
35. SJR 7-Eigel
36. SB 114-Bernskoetter
37. SB 316-Hough
38. SB 372-Riddle
39. SB 195-Koenig
40. SB 295-Crawford, with SCS
41. SB 169-Burlison
42. SB 139-Bean
43. SB 204-Cierpiot, with SCS
44. SB 369-White
45. SB 105-Crawford, with SCS
46. SB 473-Brown
47. SB 168-Burlison
48. SB 434-Washington
49. SB 465-Hoskins, with SCS
50. SB 174-Hough, with SCS
51. SB 227-Arthur
52. SJR 4-Koenig
53. SB 318-May, with SCS
54. SB 408-Wieland
55. SB 399-Eigel
56. SB 547-Hoskins, with SCS
57. SB 236-Hough, with SCS
58. SJR 16-Eslinger
59. SB 182-O'Laughlin
60. SB 361-Wieland
61. SB 481-Hough, et al
62. SB 370-Brown
63. SB 54-O'Laughlin, with SCS
64. SB 390-Luetkemeyer
65. SB 400-Onder, with SCS
66. SB 437-Hoskins
67. SB 466-Hoskins, with SCS
68. SB 604-Koenig, with SCS
69. SB 313-Eigel
70. SB 529-Cierpiot
71. SB 577-Riddle, with SCS
72. SB 62-Williams, with SCS
73. SB 383-Moon
74. SB 272-Mosley, with SCS
75. SB 244-Onder
76. SB 184-Bean, with SCS
77. SB 92-Riddle, with SCS
78. SB 562-Schupp
79. SB 132-O'Laughlin, with SCS
80. SB 561-Gannon
81. SB 582-Eslinger
82. SB 375-Eigel
83. SB 506-Bean
84. SB 317-May
85. SB 323-May
86. SB 218-Luetkemeyer, with SCS

HOUSE BILLS ON THIRD READING

HB 345-DeGroot

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)	SB 100-Koenig, with SCS
SB 3-Hegeman	SB 123-Hough, with SS & SA 2 (pending)
SB 7-Riddle, with SS & SA 1 (pending)	SB 137-Brattin
SB 10-Schatz, with SS (pending)	SB 149-Onder
SB 11-Schatz	SB 163-Cierpiot
SB 24-Eigel, with SS#2 (pending)	SB 179-Luetkemeyer
SB 36-Bernskoetter, with SS (pending)	SB 301-Bernskoetter, with SCS &
SB 47-Hough	SA 1 (pending)
SBs 55, 23 & 25-O’Laughlin, et al, with	SJR 2-Onder, with SCS
SCS & SS for SCS (pending)	

RESOLUTIONS

Reported from Committee

SCR 6-Moon	SCR 16-Schatz
SCR 15-Bernskoetter	

To be Referred

SCR 20-Brattin	SR 222-Schupp
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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—MONDAY, APRIL 12, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“This is the day the Lord has made, let us rejoice and be glad in it.” (Psalm 118:24)

We give You thanks O Lord for these past two days and the beauty of spring about us. We delight in Your many blessings and bringing us safely here to continue our work. Strengthen us to continue the good works we bring forth and we ask Your blessings on them and on us. May this be a good week in all that is required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 8, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Williams offered Senate Resolution No. 225, regarding the One Hundredth Anniversary of the St. Louis Chapter of Kappa Alpha Psi Fraternity, which was adopted.

Senator Williams offered Senate Resolution No. 226, regarding the Missouri Chapter of the Council on American Islam Relations, which was adopted.

Senator Hoskins offered Senate Resolution No. 227, regarding Corrections Officer I Rodney Buttz, Mooresville, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 228, regarding the Centennial of the 1921 passage of House Bill 539 which designated Lincoln Institute as Lincoln University, which was adopted.

Senator Rehder offered Senate Resolution No. 229, regarding Leann Grant, Sikeston, which was adopted.

Senators Schupp and Washington offered Senate Resolution No. 230, regarding the Class 5 State Champion Whitfield Girls Basketball Team, St. Louis, which was adopted.

Senator Eslinger offered Senate Resolution No. 231, regarding the National Public Safety Telecommunicators Week, which was adopted.

Senator Eslinger offered Senate Resolution No. 232, regarding Stephanie Dow, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 233, regarding Patricia Brown, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 234, regarding Cynthia Thompson, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 235, regarding Jodie McKinney, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 236, regarding Barb Rutlege, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 237, regarding Pamela Topliff, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 238, regarding Anita Nelson, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 239, regarding Dena Shannon, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 240, regarding Jeanne Harris, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 241, regarding Jennifer Randolph, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 242, regarding Susan Wells, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 243, regarding Alesa Schoelles, West Plains, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 661**, entitled:

An Act to repeal sections 301.010, 301.192, 301.280, 302.755, 307.128, 407.526, and 407.556, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator May moved that **SB 57**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 57**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 57**

An Act to repeal section 135.750, RSMo, and to enact in lieu thereof two new sections relating to incentives for economic development.

Was taken up.

Senator May moved that **SCS** for **SB 57** be adopted.

Senator May offered **SS** for **SCS** for **SB 57**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 57**

An Act to amend chapters 590 and 650, RSMo, by adding thereto two new sections relating to funding to certain organizations to deter criminal behavior.

Senator May moved that **SS** for **SCS** for **SB 57** be adopted, which motion prevailed.

On motion of Senator May, **SS** for **SCS** for **SB 57** was declared perfected and ordered printed.

Senator Hoskins moved that **SB 354**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 354**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 354**

An Act to repeal sections 135.305, 135.686, 135.750, and 348.436, RSMo, and to enact in lieu thereof four new sections relating to tax credits.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 354** be adopted.

Senator Hoskins offered **SS** for **SCS** for **SB 354**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 354

An Act to repeal sections 33.282, 135.305, 135.686, 135.750, 137.1018, 348.436, 414.152, and 620.1039, RSMo, and to enact in lieu thereof eleven new sections relating to tax credits, with an existing penalty provision.

Senator Hoskins moved that **SS** for **SCS** for **SB 354** be adopted.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 354, Page 1, In the Title, Line 5, by inserting after “provision” the following: “and an emergency clause for a certain section”; and

Further amend said bill, page 26, Section 620.1039, line 170, by inserting after all of said line the following:

“620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company or qualified military project, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. The department shall respond to a written request, by or on behalf of a qualified manufacturing company, for a proposed benefit award under the provisions of this program within fifteen business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company or qualified military project, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company or qualified military project that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. The department shall certify or reject the qualifying company’s plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit

calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (24) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. **(1)** A qualified company or qualified military project receiving benefits under this program shall provide an annual report of the number of jobs, along with minority jobs created or retained, and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's or industrial development authority's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company or qualified military project has not maintained the employee insurance as required, if the department after a review determines the qualifying company fails to satisfy other aspects of their notice of intent, including failure to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, or if the number of jobs is below the number required, the qualified company or qualified military project shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company or qualified military project during such year.

(2) If a qualified company fails to timely file the annual report required in subdivision (1) of this subsection, the department shall communicate with an employee that is separate from the original point of contact for the department, provided such employee is designated in writing by the qualified company and preferably of an equivalent or higher supervisory role than the original point of contact, and using multiple means of communications if necessary, to inform the qualified company of the failure to timely file the annual report. If the qualified company requests an extension in writing to the department within thirty days following the deadline to file the annual report, the department shall grant one thirty day extension beginning on the date that the request was received by the department to file the report without penalty. A failure to submit the report by the end of any extension granted by the department shall result in the forfeiture of tax credits and a recapture of withholding tax as provided in subdivision (1) of this subsection. A qualified company that had an

annual report due between January 1, 2020, and September 1, 2021, shall not be subject to the forfeiture of tax credits attributable to the year for which the reporting was required or to the recapture of withholding taxes retained by the qualified company or qualified military project during such year so long as the annual report is filed with the department by November 1, 2021.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs; provided that, tax credits awarded under subsection 7 of section 620.2010 may be issued following the qualified company's acceptance of the department's proposal and pursuant to the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010.

5. Any qualified company or qualified military project approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company or qualified military project approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. (1) The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 14 of this section:

(a) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

(b) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized;

(c) For fiscal years beginning on or after July 1, 2015, but ending on or before June 30, 2020, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year; and

(d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred six million dollars in tax credits may be authorized for each fiscal year. The provisions of this paragraph shall not apply to tax credits issued to qualified companies under a notice of intent filed prior to July 1, 2020.

(2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an additional ten million dollars in tax credits may be authorized for each fiscal year for the purpose of the completion of infrastructure projects directly connected with the creation or retention of jobs under the provisions of sections 620.2000 to 620.2020 and an additional ten million dollars in tax credits may be authorized for each fiscal year for

a qualified manufacturing company based on a manufacturing capital investment as set forth in section 620.2010.

8. For all fiscal years beginning on or after July 1, 2020, the maximum total amount of withholding tax that may be authorized for retention for the creation of new jobs under the provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized for retention for the creation of new jobs by qualified companies with a project facility base employment of less than fifty.

9. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company or qualified military project under this program; provided that, the department may reserve up to twenty-one and one-half percent of the maximum annual amount of tax credits that may be authorized under subsection 7 of this section for award under subsection 7 of section 620.2010. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department or, for qualified military projects, annual verification of average salary for the jobs directly created by the qualified military project. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company or qualified military project meets the applicable minimum new job requirements or, for benefits awarded under subsection 7 of section 620.2010, until the qualified company has satisfied the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010. In the event the qualified company or qualified military project does not meet the applicable minimum new job requirements, the qualified company or qualified military project may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company or qualified military project at the project facility or other facilities.

10. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

11. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of commerce and insurance that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If

the department of revenue, the department of commerce and insurance, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

12. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

13. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

14. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

15. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

16. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

17. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

18. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.”; and

Further amend said bill, page 33, Section 620.3210, line 223, by inserting after all of said line the following:

“Section B. Because of the importance of economic development to the state of Missouri, the repeal and reenactment of section 620.2020 is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 620.2020 shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted.

Senator Brattin raised the point of order that **SS** for **SCS** for **SB 354** is out of order as it goes beyond the scope of the underlying bill.

Senator Hough assumed the Chair.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 354**, with **SCS**, **SS** for **SCS**, **SA 1** and the point of order (pending), on the Informal Calendar.

Senator Brown moved that **SB 126**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 126**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 126

An Act to repeal sections 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof eleven new sections relating to extended hours for the sale of intoxicating liquor, with existing penalty provisions.

Was taken up.

Senator Brown moved that **SCS** for **SB 126** be adopted.

Senator Brown offered **SS** for **SCS** for **SB 126**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 126

An Act to repeal sections 311.070, 311.086, 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218, 311.293, 311.480, 311.482, 311.620, and 311.710, RSMo, and to enact in lieu thereof seventeen new sections relating to the sale of intoxicating liquor, with existing penalty provisions.

Senator Brown moved that **SS** for **SCS** for **SB 126** be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **SCS** for **SB 126** was declared perfected and ordered printed.

Senator Schatz moved that **SB 11** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schatz offered **SS** for **SB 11**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 11

An Act to amend chapter 324, RSMo, by adding thereto eleven new sections relating to statewide mechanical contractor licenses, with penalty provisions.

Senator Schatz moved that **SS** for **SB 11** be adopted.

Senator Bean assumed the Chair.

Senator Beck offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 11, Pages 1-3, Section 324.950, Lines 1-74, by striking all of said lines and inserting in lieu thereof the following:

“324.950. 1. Sections 324.950 to 324.983 shall be known and may be cited as the “Missouri

Statewide Mechanical Contractor Licensing Act”.

2. As used in sections 324.950 to 324.983, unless the context clearly indicates otherwise, the following terms shall mean:

(1) “Division”, the division of fire safety, boiler and pressure vessel safety unit, within the department of public safety;

(2) “Field employee”, any individual who is an employee of a mechanical contractor and is engaged in mechanical contracting at a jobsite within Missouri;

(3) “License holder”, any person who is granted a statewide mechanical contractor license by the division;

(4) “Local license”, a valid business or occupational license issued by a Missouri political subdivision;

(5) “Mechanical contracting”, work per the International Code Council (ICC) or International Association of Plumbing and Mechanical Officials (IAPMO), including the design, installation, maintenance, construction, alteration, repair, and inspection of any:

(a) HVAC system and associated appurtenances;

(b) HVAC duct system and associated appurtenances;

(c) Exhaust systems and associated appurtenances;

(d) Combustion air or make up air and associated appurtenances;

(e) Chimneys, vents, and associated appurtenances, excluding those regulated by local ordinances;

(f) Hydronic piping systems that are part of an HVAC system and associated appurtenances;

(g) Boilers, water heaters that are one hundred twenty gallons and above or two hundred thousand British thermal units and above, and pressure vessels, together with associated appurtenances, excluding those covered by a nationally standardized plumbing code or a local ordinance by a Missouri political subdivision used for potable water systems;

(h) Process piping systems and associated appurtenances;

(i) Methane and other fuel gas distribution piping and associated appurtenances, excluding those regulated by local ordinance;

(j) Fuel, oil-fired, and solid fuel appliances, and associated appurtenances, excluding those covered by a nationally standardized plumbing code or local ordinance by a Missouri political subdivision;

(k) Fuel oil piping and storage vessels and associated appurtenances;

(l) Fuel, oil-fired, and solid fuel appliance venting systems, and associated appurtenances;

(m) Equipment and appliances intended to utilize solar energy for space heating or cooling together with associated appurtenances;

(n) Process heating and associated appurtenances;

(o) Refrigeration systems, including all equipment and components thereof and associated

appurtenances;

(p) Non-medical air, non-medical oxygen, and non-medical vacuum piping for mechanical equipment and associated appurtenances, excluding work covered by a nationally standardized plumbing code; and

(q) Chillers, cooling towers, and associated support steel and appurtenances for cooling towers.

Additional certification may be required by the division for a particular scope of mechanical work;

(6) “Mechanical contractor”, a person with a statewide mechanical contractor license;

(7) “Office”, the office of mechanical contractors within the division of fire safety, boiler and pressure vessel safety unit, of the department of public safety;

(8) “Person”, an individual, corporation, partnership, association, or other legal entity;

(9) “Statewide mechanical contractor license”, a valid license issued by the division that allows the mechanical contractor to practice in any jurisdiction in Missouri with appropriate field employees regardless of local mechanical contractor licensing requirements.”; and

Further amend said bill, pages 3-4, Section 324.953, lines 1-31, by striking all of said lines and inserting in lieu thereof the following:

“324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to 324.983 including, but not limited to, rules relating to professional conduct, continuing competency requirements for the renewal of licenses, approval of continuing competency programs, fees, and the establishment of ethical standards of business practice for persons holding a license under sections 324.950 to 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

2. For the purpose of sections 324.950 to 324.983, the division shall:

(1) Establish all applicable fees, set at an amount which shall not substantially exceed the cost of administering sections 324.950 to 324.983; and

(2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such funds to the department of revenue for deposit to the state treasury to the credit of the Missouri mechanical contractor licensing fund.”; and

Further amend said bill, pages 4-5, Section 324.956, lines 1-16, by striking all of said lines and inserting in lieu thereof the following:

“324.956. There is hereby created the “Office of Mechanical Contractors” to be housed within the

division. The division shall:

(1) Employ, within the limits of the funds appropriated, persons as are necessary to carry out the provisions of sections 324.950 to 324.983, including both administrative and professional staff and legal counsel, with the discretion to hire experts in mechanical contracting to advise the division on technical matters related to mechanical contracting;

(2) Exercise all budgeting, purchasing, reporting, and related management functions;

(3) Conduct investigations to determine compliance with sections 324.950 to 324.983; and

(4) File suit in its own name on behalf of the office to enforce the provisions of sections 324.950 to 324.983.”; and

Further amend said bill, pages 5-7, Section 324.959, lines 1-73, by striking all of said lines and inserting in lieu thereof the following:

“324.959. 1. The applicant for a statewide mechanical contractor license shall satisfy the following requirements:

(1) Be at least twenty-five years of age;

(2) Provide proof of liability insurance in the amount of one million dollars and post bond in the amount of twenty-five thousand dollars with each political subdivision in which he or she will perform work as required by that political subdivision. If a political subdivision requires any license holder to be named on a document, including but not limited to the bond, the license holder of the mechanical contractor shall be allowed to provide services in the political subdivision;

(3) Pass one of the following standardized and nationally offered mechanical assessment tests:

(a) International Code Council;

(b) International Association of Plumbing and Mechanical Officials (IAPMO); or

(c) A similar test that is administered by an independent professional testing agency not affiliated with any political subdivision or the state of Missouri and is approved by the division.

The applicant shall pay for all costs associated with the examinations. The division shall take every step necessary to adopt the most current editions of the International Code Council and IAPMO mechanical codes as they become available to test applicants for a statewide mechanical contractor license;

(4) Complete the application form provided by the division and pay any applicable application fees; and

(5) Have completed one of the following:

(a) Sixteen thousand hours of verifiable practical field experience installing varied mechanical equipment and associated piping in mechanical contracting work;

(b) Ten thousand hours of verifiable practical experience installing equipment and associated piping, with an apprentice completion certificate from a mechanical apprenticeship program approved and registered with the United States Department of Labor;

(c) Eight thousand hours of verifiable practical experience installing equipment and associated piping, with an associate's degree in a state-accredited program in mechanical contracting work; or

(d) Four thousand verifiable hours supervising the installation of equipment and associated piping, with a four-year mechanical engineering degree and a license as a professional engineer under sections 327.181 to 327.271;

2. If a corporation, firm, institution, organization, company, or representative thereof desires to engage in mechanical contracting under sections 324.950 to 324.985, it shall have in its employ at least one statewide license holder in accordance with sections 324.950 to 324.983. A statewide mechanical license holder shall represent only one corporation, firm, institution, organization, or company at one time. A mechanical contractor shall be responsible for offering Missouri-based field employees eight contact hours of division-approved industry training per year; such mechanical contractor shall be responsible for providing proof of training to the division upon request. In the event of a loss of a license holder, a mechanical contractor shall remain in good standing with the division for six months after notifying the division of the change in status. Within the six-month period, a new license holder shall be registered with the division. If no license holder is registered within such six-month period, the division shall declare the mechanical contractor inactive.

3. The division may issue a mechanical contractor license to any person who holds a current and active license to engage in the practice of a mechanical contractor or as a master pipefitter or master plumber issued by any other state, the District of Columbia, or territories of the United States that require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.950 to 324.983, if such jurisdiction grants mechanical contractors licensed under sections 324.950 to 324.983 the same privilege.”; and

Further amend said bill, pages 7-9, Section 324.962, lines 1-58, by striking all of said lines and inserting in lieu thereof the following:

“324.962. 1. Political subdivisions shall not be prohibited from establishing their own local mechanical contractor's license but shall recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. However, political subdivisions may require the field employees of a licensed statewide mechanical contractor to obtain any individual occupational licenses the political subdivision deems appropriate.

2. If a political subdivision does not recognize a statewide license in lieu of a local license for the purposes of performing contracting work with appropriately licensed field employees or obtaining permits to perform work within the political subdivision, a statewide mechanical contractor licensee may file a complaint with the division. The division shall perform an investigation into the complaint, and if the division finds that the political subdivision failed to recognize a statewide license in accordance with this section, the division shall notify the political subdivision that the political subdivision has violated the provisions of this section and has thirty days to comply with this section. If after thirty days the political subdivision still does not recognize a statewide license, the division shall notify the director of the department of revenue, who shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until the director has received notice from the division that the political subdivision is in compliance with this section. Upon the political subdivision coming into compliance with the

provisions of this section, the division shall notify the director of the department of revenue, who shall disburse all funds held under this subsection. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. The provisions of this section shall not prohibit any political subdivision in this state from:

- (1) Enforcing any technical code or law contained in this section;
- (2) Requiring a business license to perform mechanical contracting work;
- (3) Issuing mechanical contracting permits;
- (4) Enforcing technical codes of the political subdivision;
- (5) Inspecting the work of a statewide mechanical contractor;

(6) Implementing a mechanical code based upon the International Code Council (ICC) or International Association of Plumbing and Mechanical Officials (IAPMO);

(7) Issuing a mechanical contractor license valid for that political subdivision; or

(8) Licensing mechanical workers provided that such licenses are based upon professional experience and passage of a relevant, nationally accredited examination of the International Code Council (ICC) or International Association of Plumbing and Mechanical Officials (IAPMO) that is administered on a routine and accessible schedule.”; and

Further amend said bill, page 9, Section 324.965, lines 1-20, by striking all of said lines and inserting in lieu thereof the following:

“324.965. There is hereby created in the state treasury the “Missouri Mechanical Contractor Licensing Fund”, which shall consist of moneys collected under sections 324.950 to 324.983. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the administration of sections 324.950 to 324.983. The provisions of section 33.080 to the contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend said bill, pages 9-10, Section 324.968, lines 1-17, by striking all of said lines and inserting in lieu thereof the following:

“324.968. 1. Licenses shall expire on a renewal date established by the division. The term of licensure shall be twenty-four months. The division shall mail a renewal notice to the last known address of each person licensed under sections 324.950 to 324.983 prior to the renewal date. Failure to provide the division with the information required for renewal or to pay the required fee after such notice shall result in the license being declared inactive. The licensee shall not practice until he or she applies for reinstatement and pays the required fees. The license shall be restored if the application

for reinstatement is received within two years of the renewal date.

2. In addition to other requirements provided by sections 324.950 to 324.983 and established by the division, in order to renew such license under this section, the person shall have at least sixteen contact hours of industry-related training.”; and

Further amend said bill, page 10, Section 324.971, lines 1-8, by striking all of said lines and inserting in lieu thereof the following:

“324.971. Any person operating as a mechanical contractor in a political subdivision that does not require the mechanical contractor to hold a local license, or who operates as a mechanical contractor in a political subdivision that requires a local license possessed by that person, shall not be required to possess a statewide license under sections 324.950 to 324.983 to operate as a mechanical contractor in such political subdivision.”; and

Further amend said bill and page, Section 324.977, lines 1-3, by striking all of said lines and inserting in lieu thereof the following:

“324.977. The statewide license shall be regulated by the division and not a state-appointed licensing board.”; and

Further amend said bill, pages 10-14, Section 324.980, lines 1-127, by striking all of said lines and inserting in lieu thereof the following:

“324.980. 1. The division may refuse to issue any certificate of registration or authority, permit, or license required under sections 324.950 to 324.983 for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by sections 324.950 to 324.983, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person’s ability to perform the work of any profession licensed or regulated by sections 324.950 to 324.983;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under sections 324.950 to 324.983, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty, or an act of violence;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983 or in obtaining permission to take any examination given or required under sections 324.950 to 324.983;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud,

deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 324.950 to 324.983;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.950 to 324.983 granted by another political subdivision, state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.950 to 324.983 who is not licensed or registered and currently eligible to practice thereunder;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to maintain liability coverage as required for initial licensure;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(15) Failure to post bond as required by any local jurisdiction.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any certificate of registration or authority, permit, or license issued under sections 324.950 to 324.983.

4. An individual whose certificate of registration or authority, permit, or license has been revoked shall wait three years from the date of revocation to apply for any certificate of registration or authority, permit, or license under sections 324.950 to 324.983. Any certificate of registration or authority, permit, or license shall be issued at the discretion of the board after compliance with all the requirements of sections 324.950 to 324.983 relative to the licensing or registration of the applicant for the first time.

5. The division may file suit to enforce compliance, including the authority to seek injunctions and

restraining orders to enjoin any person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit, or license;

(2) Engaging in the practice of business authorized by a license issued under a building trades contractor law upon a showing that the license holder presents a substantial probability of serious harm to the health, safety, or welfare of any resident of this state or owner or lessee of real property within this state; or

(3) Refusing to recognize a statewide license as a valid license within any political subdivision.

6. The division may assess fines for violations of any of the provisions of sections 324.950 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon a judicial or administrative finding of violation of law.

7. The division may compel the production of documents, things, or persons by subpoena.

8. The division may refer any violations of the provisions of any state law or local ordinance relating to the work performed by a licensee to the appropriate state or local official.”; and

Further amend said bill, page 14, Section 324.983, lines 1-12, by striking all of said lines and inserting in lieu thereof the following:

“324.983. 1. Any person that knowingly violates any provision of sections 324.950 to 324.983 is guilty of a class B misdemeanor.

2. Any officer or agent of a corporation or member or agent of a partnership or association who knowingly and personally participates in or is an accessory to any violation of sections 324.950 to 324.983 is guilty of a class B misdemeanor.

3. The division may file suit for any violation of sections 324.950 to 324.983 in any court of competent jurisdiction and perform such other acts as may be necessary to enforce the provisions of sections 324.950 to 324.983.”.

Senator Beck moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

Senator Bean assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator Schatz, **SB 11**, with **SS**, and **SA 1** (pending), was placed back on the Informal Calendar.

Senator Hegeman moved that **SB 1**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 1**, as amended, was again taken up.

At the request of Senator Hegeman, **SS** for **SB 1** was withdrawn.

At the request of Senator Hegeman, **SB 1**, was placed back on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 57**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HB 429** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 429**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HB 430** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 430**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 991**, entitled:

An Act to repeal sections 143.121 and 143.171, RSMo, and to enact in lieu thereof two new sections relating to income tax, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 911**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 370**, entitled:

An Act to repeal section 338.010, RSMo, and to enact in lieu thereof three new sections relating to HIV prevention.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Schatz referred **SCR 20** and **SR 222** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF GUESTS

Senator Rowden introduced to the Senate, the Southern Boone boys soccer team.

Senator Bernskoetter introduced to the Senate, Mackenzie Davis.

On motion of Senator Rowden, the Senate adjourned under the rules

SENATE CALENDAR

FORTY-EIGHTH DAY—TUESDAY, APRIL 13, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 306
HCS for HB 1236
HCS for HB 744
HB 604-Gregory (51)
HJR 6-Schnelting
HB 678-Eggleston
HB 299-Wallingford
HCS for HB 1242
HB 167-Hardwick

HB 391-Griffith
HCS for HB 252
HB 563-Owen
HB 60-Schnelting
HB 661-Ruth
HB 991-Smith (163)
HB 911-Hill
HB 370-Christofanelli

THIRD READING OF SENATE BILLS

SS for SB 212-White (In Fiscal Oversight)
SB 5-Wieland

SS for SCS for SB 57-May

SENATE BILLS FOR PERFECTION

1. SB 287-Crawford
2. SB 282-Hegeman, with SCS
3. SB 202-Cierpiot, with SCS
4. SB 44-White
5. SB 71-Gannon, with SCS
6. SB 254-Riddle, with SCS
7. SB 94-Onder
8. SB 206-Arthur
9. SB 138-Brattin, with SCS
10. SB 78-Beck
11. SB 74-Bean, with SCS
12. SB 343-Brown
13. SB 95-Onder, with SCS
14. SB 30-Cierpiot
15. SB 134-O'Laughlin and Cierpiot
16. SB 98-Hoskins, with SCS
17. SB 360-Wieland, with SCS
18. SB 45-Hough
19. SB 65-Rehder, with SCS
20. SB 253-Hegeman
21. SJR 12-Luetkemeyer
22. SB 131-Luetkemeyer
23. SB 291-Brown
24. SB 306-Bernskoetter, with SCS
25. SB 255-Riddle
26. SB 404-Riddle
27. SB 334-Bernskoetter
28. SB 96-Hoskins, with SCS
29. SB 183-O'Laughlin
30. SB 459-Brattin, with SCS
31. SB 198-Eigel, with SCS
32. SJR 7-Eigel
33. SB 114-Bernskoetter
34. SB 316-Hough
35. SB 372-Riddle
36. SB 195-Koenig
37. SB 295-Crawford, with SCS
38. SB 169-Burlison
39. SB 139-Bean
40. SB 204-Cierpiot, with SCS
41. SB 369-White
42. SB 105-Crawford, with SCS
43. SB 473-Brown
44. SB 168-Burlison
45. SB 434-Washington
46. SB 465-Hoskins, with SCS
47. SB 174-Hough, with SCS
48. SB 227-Arthur
49. SJR 4-Koenig
50. SB 318-May, with SCS
51. SB 408-Wieland
52. SB 399-Eigel
53. SB 547-Hoskins, with SCS
54. SB 236-Hough, with SCS
55. SJR 16-Eslinger
56. SB 182-O'Laughlin
57. SB 361-Wieland
58. SB 481-Hough, et al
59. SB 370-Brown
60. SB 54-O'Laughlin, with SCS
61. SB 390-Luetkemeyer
62. SB 400-Onder, with SCS
63. SB 437-Hoskins
64. SB 466-Hoskins, with SCS
65. SB 604-Koenig, with SCS
66. SB 313-Eigel
67. SB 529-Cierpiot
68. SB 577-Riddle, with SCS
69. SB 62-Williams, with SCS
70. SB 383-Moon
71. SB 272-Mosley, with SCS
72. SB 244-Onder
73. SB 184-Bean, with SCS
74. SB 92-Riddle, with SCS
75. SB 562-Schupp
76. SB 132-O'Laughlin, with SCS
77. SB 561-Gannon
78. SB 582-Eslinger

79. SB 375-Eigel
80. SB 506-Bean
81. SB 317-May

82. SB 323-May
83. SB 218-Luetkemeyer, with SCS

HOUSE BILLS ON THIRD READING

HB 345-DeGroot (Luetkemeyer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman
SB 3-Hegeman
SB 7-Riddle, with SS & SA 1 (pending)
SB 10-Schatz, with SS (pending)
SB 11-Schatz, with SS & SA 1 (pending)
SB 24-Eigel, with SS#2 (pending)
SB 36-Bernskoetter, with SS (pending)
SB 47-Hough
SBs 55, 23 & 25-O'Laughlin, et al, with SCS &
SS for SCS (pending)
SB 100-Koenig, with SCS

SB 123-Hough, with SS & SA 2 (pending)
SB 137-Brattin
SB 149-Onder
SB 163-Cierpiot
SB 179-Luetkemeyer
SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 354-Hoskins, with SCS, SS for SCS, SA 1 &
point of order (pending)
SJR 2-Onder, with SCS

RESOLUTIONS

Reported from Committee

SCR 6-Moon
SCR 15-Bernskoetter

SCR 16-Schatz

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—TUESDAY, APRIL 13, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Bless the Lord, O my soul, and do not forget all His benefit” (Psalms 103:2)

Lord, You give to us what we need, strength to do our work, wisdom to lead and courage to face the day’s challenges. But we also ask that You grant us the favor to lead us down the paths that we need to walk and work to reach the goal You have set before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Eigel offered Senate Resolution No. 244, regarding Adam Long, which was adopted.

Senator Beck offered Senate Resolution No. 245, regarding Robert P. Smith, Barnhart, which was adopted.

Senator Beck offered Senate Resolution No. 246, regarding Hannah Beaudean, which was adopted.

Senator Beck offered Senate Resolution No. 247, regarding SERVPRO, Affton/Webster Groves, which was adopted.

Senator Beck offered Senate Resolution No. 248, regarding Woodard Cleaning and Restoration, which was adopted.

Senator Beck offered Senate Resolution No. 249, regarding John Krebs, which was adopted.

Senator Beck offered Senate Resolution No. 250, regarding Luther Ray Crites, which was adopted.

Senator Beck offered Senate Resolution No. 251, regarding Nathan Williams, St. Charles, which was adopted.

Senator Beck offered Senate Resolution No. 252, regarding Michelle “Mesha” Scheipeter, which was adopted.

Senator Beck offered Senate Resolution No. 253, regarding Maureen Reed, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 254, regarding Myron A. Koehn, Crestwood, which was adopted.

Senator Beck offered Senate Resolution No. 255, regarding Laura Frank, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 256, regarding 9 Mile Garden, which was adopted.

Senator Beck offered Senate Resolution No. 257, regarding the Affton Fire Protection District, which was adopted.

Senator Beck offered Senate Resolution No. 258, regarding Excel Sports and Physical Therapy, Affton, which was adopted.

Senator Beck offered Senate Resolution No. 259, regarding Salem Lutheran School, Affton, which was adopted.

Senator Beck offered Senate Resolution No. 260, regarding Smoothie King, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 261, regarding Cynthia Tiefenbrunn, St. Louis, which was adopted.

Senator Riddle offered Senate Resolution No. 262, regarding Lieutenant Detective Bryant K. Morris, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SS for **SCS** for **SB 126**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SS** for **SCS** for **SB 57** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HCS** for **HB 430** and **SS** for **SCS** for **HCS** for **HB 429**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Eigel, Chairman of the Committee on General Laws, Senator Rehder submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 39**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 349**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Crawford, **SB 287** was placed on the Informal Calendar.

At the request of Senator Hegeman, **SB 282**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cierpiot, **SB 202**, with **SCS**, was placed on the Informal Calendar.

Senator White moved that **SB 44** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 44**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 44

An Act to repeal section 393.358, RSMo, and to enact in lieu thereof five new sections relating to water and sewer infrastructure.

Senator White moved that **SS** for **SB 44** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 44, Page 1, In the Title, Lines 3-4, by striking “water and sewer infrastructure” and inserting in lieu thereof the following: “utilities”; and

Further amend said bill, page 11, Section 393.1509, line 154, by inserting after all of said line the following:

“394.120. 1. No person shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members, or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

5. Except as herein otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the first two thousand members and one percent of the remaining members, present in person, or if the bylaws so provide, participating electronically or by mail, shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, by electronic means, by mail, or any combination thereof. If the bylaws provide for voting by proxy, by electronic means, or by mail, they shall also prescribe the conditions under which proxy, electronic, or mail voting shall be exercised. In any event, no person shall vote as proxy for more than two members at any meeting of the members.

8. Notwithstanding the provisions of subsections 2 and 7 of this section, the board of directors shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement provided in this section may be

satisfied through virtual means. The provisions of this subsection shall expire on August 28, 2022.”;
and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 44, Page 1, Section A, Line 4, by inserting after all of said line the following:

“204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question[, and] **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification without a charter form of government adjacent to a county of the first classification with a charter form of government and a population of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where “customer”, as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district.** The principal and interest of such bonds shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district’s costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict’s advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within

the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.”; and

Further amend the title and enacting clause

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 44, Page 1, In the Title, Lines 3-4, by striking “water and sewer infrastructure” and inserting in lieu thereof the following: “utilities”; and

Further amend said bill and page, Section A, line 4, by inserting after all of said line the following:

“137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Grain and other agricultural crops in an unmanufactured condition” shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term “processing” shall not include hulling, cleaning, drying, grating, or polishing;

(2) “Hydroelectric power generating equipment”, very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) “Intangible personal property”, for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, **capitalized overhead expenses**, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; **and** attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation or storage of [liquid and gaseous products, including, but not limited to, petroleum products, natural gas,] propane or LP gas equipment[, water, and sewage];

(5) “Reliever airport”, any land and improvements, exclusive of structures, on privately owned airports

that qualify as reliever airports under the National Plan of Integrated Airport Systems that may receive federal airport improvement project funds through the Federal Aviation Administration;

(6) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place. **Stationary property used for transportation or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas that is not propane or LP gas, water, and sewage shall be considered tangible personal property.**

137.122. 1. As used in this section, the following terms mean:

(1) “Business personal property”, tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, grain and other agricultural crops in an unmanufactured condition, property subject to the motor vehicle registration provisions of chapter 301, property assessed under section 137.078, the property of rural electric cooperatives under chapter 394, or property assessed by the state tax commission under chapters 151, 153, and 155, section 137.022, and sections 137.1000 to 137.1030;

(2) “Class life”, the class life of property as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors under the Internal Revenue Code as amended;

(3) “Economic or functional obsolescence”, a loss in value of personal property above and beyond physical deterioration and age of the property. Such loss may be the result of economic or functional obsolescence or both;

(4) “Original cost”, the price the current owner, the taxpayer, paid for the item without freight, installation, or sales or use tax. In the case of acquisition of items of personal property as part of an acquisition of an entity, the original cost shall be the historical cost of those assets remaining in place and in use and the placed-in-service date shall be the date of acquisition by the entity being acquired;

(5) “Placed in service”, property is placed in service when it is ready and available for a specific use, whether in a business activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if the property is not being used, the property is in service when it is ready and available for its specific use;

(6) “Recovery period”, the period over which the original cost of depreciable tangible personal property shall be depreciated for property tax purposes and shall be the same as the recovery period allowed for such property under the Internal Revenue Code.

2. To establish uniformity in the assessment of depreciable tangible personal property, each assessor shall use the standardized schedule of depreciation in this section to determine the assessed valuation of depreciable tangible personal property for the purpose of estimating the value of such property subject to taxation under this chapter.

3. For purposes of this section, and to estimate the value of depreciable tangible personal property for mass appraisal purposes, each assessor shall value depreciable tangible personal property by applying the class life and recovery period to the original cost of the property according to the following depreciation

schedule. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	Recovery Period in Years					
	3	5	7	10	15	20
1	75.00	85.00	89.29	92.50	95.00	96.25
2	37.50	59.50	70.16	78.62	85.50	89.03
3	12.50	41.65	55.13	66.83	76.95	82.35
4	5.00	24.99	42.88	56.81	69.25	76.18
5		10.00	30.63	48.07	62.32	70.46
6			18.38	39.33	56.09	65.18
7			10.00	30.59	50.19	60.29
8				21.85	44.29	55.77
9				15.00	38.38	51.31
10					32.48	46.85
11					26.57	42.38
12					20.67	37.92
13					15.00	33.46
14						29.00
15						24.54
16						20.08
17						20.00

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this methodology, if any, that are warranted.

4. Such estimate of value determined under this section shall be presumed to be correct for the purpose of determining the true value in money of the depreciable tangible personal property, but such estimation may be disproved **by a taxpayer** by substantial and persuasive evidence of the true value in money under any method determined by the state tax commission to be correct, including, but not limited to, an appraisal of the tangible personal property specifically utilizing generally accepted appraisal techniques, and contained in a narrative appraisal report in accordance with the Uniform Standards of Professional Appraisal Practice or by proof of economic or functional obsolescence or evidence of excessive physical deterioration. For purposes of appeal of the provisions of this section, the salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use as of the assessment date.

5. This section shall not apply to business personal property placed in service before January 2, 2006. Nothing in this section shall create a presumption as to the proper method of determining the assessed valuation of business personal property placed in service before January 2, 2006, **provided, however, that as of January 1, 2021, this section shall apply to all stationary property used for transportation or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas**

that is not propane or LP gas, water, and sewage that was or will be placed in service at any time.

6. The provisions of this section are not intended to modify the definition of tangible personal property as defined in section 137.010.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Koenig offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 44, Page 2, Line 35, by striking the words “capitalized overhead expenses,”.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Brown offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 44, Page 11, Section 393.1509, Line 154, by inserting after all of said line the following:

“11. The provisions of sections 393.1500 to 393.1509 shall expire on December 31, 2031.”.

Senator Brown moved that the above amendment be adopted.

Senator Schupp offered **SA 1 to SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Bill No. 44, Page 1, Line 4, by striking “2031” and inserting in lieu thereof the following: **“2027”**.

Senator Schupp moved that the above amendment be adopted and requested that a roll call vote be taken. She was joined in her request by Senators Bernskoetter, Mosley, Rizzo, and Williams.

SA 1 to SA 4 failed of adoption by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Luetkemeyer	May	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—11			

NAYS—Senators

Bean	Beck	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
White	Wieland—23					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Brown moved that **SA 4** be adopted, which motion prevailed.

Senator Riddle offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 44, Page 1, Section A, Line 4, by inserting after all of said line the following:

“153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall

be apportioned to the physical location of the distributable property.

5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:

(a) Using the methodology for property tax purposes as provided under this section; or

(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.

(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.

(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.

(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

a. In determining the amount of state aid that a school district receives under section 163.031;

b. In determining the amount that may be collected under a property tax levy by such district; or

c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

a. Assessed under paragraph (b) of subdivision (1) of this subsection; and

b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls;

(b) Any property consisting of land and buildings related to the wind energy project shall be assessed under chapter 137; and

(c) All other business or personal property related to the wind energy project shall be assessed using the methodology provided under section 137.122.

7. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, for any public utility company assessed pursuant to this chapter which has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be assessed as follows:

(a) Any property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction shall be assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility company for cost information of the generation portion of the property as found in the public utility company's Federal Energy

Regulatory Commission Financial Report Form Number One at the time of transfer of ownership, and depreciate the costs provided in a manner similar to other commercial and industrial property.

(b) Any property consisting of land and buildings related to the generation property associated with a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed under chapter 137; and

(c) All other business or personal property related to a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed using the methodology provided under section 137.122.

153.034. 1. The term “distributable property” of an electric company shall include all the real or tangible personal property which is used directly in the generation and distribution of electric power, but not property used as a collateral facility nor property held for purposes other than generation and distribution of electricity. Such distributable property includes, but is not limited to:

- (1) Boiler plant equipment, turbogenerator units and generators;
- (2) Station equipment;
- (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- (4) Substation equipment and fences;
- (5) Rights-of-way;
- (6) Reactor, reactor plant equipment, and cooling towers;
- (7) Communication equipment used for control of generation and distribution of power;
- (8) Land associated with such distributable property.

2. The term “local property” of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section as distributable property. Such local property includes, but is not limited to:

- (1) Motor vehicles;
- (2) Construction work in progress;
- (3) Materials and supplies;
- (4) Office furniture, office equipment, and office fixtures;
- (5) Coal piles and nuclear fuel;
- (6) Land held for future use;
- (7) Workshops, warehouses, office buildings and generating plant structures;
- (8) Communication equipment not used for control of generation and distribution of power;
- (9) Roads, railroads, and bridges;
- (10) Reservoirs, dams, and waterways;
- (11) Land associated with other locally assessed property and all generating plant land.

3. (1) Any real or tangible personal property associated with a project which uses wind energy directly to generate electricity shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system. Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

4. For any real or tangible personal property associated with a generation project which was originally constructed utilizing financing authorized under chapter 100 for construction, upon the transfer of ownership of such property to a public utility, such property shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Burlison offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 44, Page 1, Section A, Line 4, by inserting after all of said line the following:

“67.309. No political subdivision of this state shall adopt an ordinance, resolution, regulation, code, or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Nothing in this section shall limit the ability of a political subdivision to choose utility services for properties owned by such political subdivision.”; and

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Schupp offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 44, Page 6, Section 393.1506, Line 45, by inserting after

“393.1006.” the following: **“In no event shall a customer be charged both an infrastructure system replacement surcharge as provided in sections 393.1000 to 393.1006 and a WSIRA.”**; and

Further amend said bill, page 8, section 393.1509, lines 53-55 by striking all of said lines and inserting in lieu thereof the following: **“excise tax rates, including any income tax deductions;”**; and

Further amend said bill and section, page 11, line 139, by inserting after “10.” the following: **“The commission may take into account any change in business risk to the water or sewer corporation resulting from implementation of the WSIRA in setting the corporation’s allowed return in a general rate proceeding in addition to any other changes in business risk experienced by the corporation.**

11.”

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator White moved that **SS** for **SB 44**, as amended, be adopted, which motion prevailed.

On motion of Senator White, **SS** for **SB 44**, as amended, was declared perfected and ordered printed.

Senator Gannon moved that **SB 71**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 71**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 71

An Act to repeal sections 455.010, 455.032, 455.035, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof eight new sections relating to pet protective orders.

Was taken up.

Senator Gannon moved that **SCS** for **SB 71** be adopted.

Senator Gannon offered **SS** for **SCS** for **SB 71**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 71

An Act to repeal sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof eight new sections relating to protective orders.

Senator Gannon moved that **SS** for **SCS** for **SB 71** be adopted, which motion prevailed.

On motion of Senator Gannon, **SS** for **SCS** for **SB 71** was declared perfected and ordered printed.

Senator Hegeman moved that **SB 3** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 3**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 3

An Act to repeal sections 435.415, 516.120, 516.140, and 537.065, RSMo, and to enact in lieu thereof four new sections relating to civil actions.

Senator Hegeman moved that **SS** for **SB 3** be adopted.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 3, Page 1, Section 435.415, Line 8, by inserting immediately after the word “award” the following: “**for personal injury, bodily injury, or death**”; and further amend line 9, by inserting immediately after the word “award” the following: “**for personal injury, bodily injury, or death**”; and further amend lines 14-15, by striking “insurer has agreed in writing to the arbitration proceeding. Any arbitration award” and inserting in lieu thereof the following: “**insured has entered into an agreement pursuant to section 537.065 and complied with the requirements contained within section 537.065. Any arbitration award for personal injury, bodily injury, or death**”; and further amend line 16, by inserting immediately after the word “award” the following: “**for personal injury, bodily injury, or death**”; and further amend lines 18-20, by striking all of said lines and inserting in lieu thereof the following: “**collection from any insurer unless the insured has entered into an agreement pursuant to section 537.065 and complied with the requirements contained in section 537.065. There shall be a rebuttable presumption that an insurer’s**”; and

Further amend said bill and section, page 2, line 22, by striking the word “shall” and inserting in lieu thereof the following: “**does**”; and further amend said line, by striking the following: “, nor be construed to be,”; and further amend said line 26, by inserting after all of said line the following:

“**3. Any arbitration proceeding under this section in which insurance coverage is at issue shall be conducted by a panel of arbitrators selected through a strike and rank process or another process agreed to by the parties.**”; and further amend said section by renumbering the remaining subsection accordingly; and

Further amend said bill, page 5, section 537.065, line 67-68, by striking “tort-feasor shall provide his or her”; and further amend line 68, by inserting immediately after the word “insurers” the following: “**shall be provided**”; and

Further amend said bill and section, page 6, line 98, by striking the word “defendants” and inserting in lieu thereof the following: “**intervenors**”; and further amend lines 101-104, by striking all of said lines and inserting in lieu thereof the following: “**. No stipulations, scheduling orders, or**”; and further amend lines 108-109, by striking said lines and inserting in lieu thereof the following: “**assert any rights or raise any defenses related to its interest in the action.**”; and

Further amend said bill and section, page 7, lines 110-112, by striking all of said lines; and further amend line 134 by striking “In any such”; and further amend lines 135-139, by striking all of said lines and inserting in lieu thereof the following: “**There shall be a rebuttable presumption that the exercise of any rights under this section does not constitute bad faith.**”.

Senator Roberts moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Hegeman, **SS** for **SB 3** was withdrawn, rendering **SA 1** moot.

At the request of Senator Hegeman, **SB 3** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HB 345, introduced by Representative DeGroot, entitled:

An Act to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to civil actions.

Was taken up by Senator Luetkemeyer.

Senator Luetkemeyer offered **SS** for **HB 345**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 345

An Act to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to civil actions.

Senator Luetkemeyer moved that **SS** for **HB 345** be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS** for **HB 345** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer
O’Laughlin	Onder	Rehder	Rowden	Schatz	White	Wieland—21

NAYS—Senators

Arthur	Beck	May	Moon	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—11			

Absent—Senators

Hough	Riddle—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HS** for **HB 297**, entitled:

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty new sections relating to institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators Bean and Rehder offered Senate Resolution No. 263, regarding Sheryl “Ms. Sherry” Maxwell, Charleston, which was adopted.

INTRODUCTION OF GUESTS

Senator Roberts introduced to the Senate, Dr. Melissa Nasm, St. Louis.

Senator Gannon introduced to the Senate, Jaycee Foeller, J. Foeller, Amber Foeller, and John Brown, De Soto.

On motion of Senator Rowden, the Senate adjourned until 3:30 p.m., Wednesday, April 14, 2021.

SENATE CALENDAR

FORTY-NINTH DAY – WEDNESDAY, APRIL 14, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 306

HCS for HB 1236

HCS for HB 744

HB 604-Gregory (51)

HJR 6-Schnelting

HB 678-Eggleston

HB 299-Wallingford

HCS for HB 1242

HB 167-Hardwick

HB 391-Griffith

HCS for HB 252

HB 563-Owen

HB 60-Schnelting

HB 661-Ruth

HB 991-Smith (163)

HB 911-Hill

HB 370-Christofanelli

HS for HB 297

THIRD READING OF SENATE BILLS

SS for SB 212-White (In Fiscal Oversight)
SB 5-Wieland

SS for SCS for SB 57-May (In Fiscal Oversight)
SS for SCS for SB 126-Brown

SENATE BILLS FOR PERFECTION

1. SB 254-Riddle, with SCS
2. SB 94-Onder
3. SB 206-Arthur
4. SB 138-Brattin, with SCS
5. SB 78-Beck
6. SB 74-Bean, with SCS
7. SB 343-Brown
8. SB 95-Onder, with SCS
9. SB 30-Cierpiot
10. SB 134-O'Laughlin and Cierpiot
11. SB 98-Hoskins, with SCS
12. SB 360-Wieland, with SCS
13. SB 45-Hough
14. SB 65-Rehder, with SCS
15. SB 253-Hegeman
16. SJR 12-Luetkemeyer
17. SB 131-Luetkemeyer
18. SB 291-Brown
19. SB 306-Bernskoetter, with SCS
20. SB 255-Riddle
21. SB 404-Riddle
22. SB 334-Bernskoetter
23. SB 96-Hoskins, with SCS
24. SB 183-O'Laughlin
25. SB 459-Brattin, with SCS
26. SB 198-Eigel, with SCS
27. SJR 7-Eigel
28. SB 114-Bernskoetter
29. SB 316-Hough
30. SB 372-Riddle

31. SB 195-Koenig
32. SB 295-Crawford, with SCS
33. SB 169-Burlison
34. SB 139-Bean
35. SB 204-Cierpiot, with SCS
36. SB 369-White
37. SB 105-Crawford, with SCS
38. SB 473-Brown
39. SB 168-Burlison
40. SB 434-Washington
41. SB 465-Hoskins, with SCS
42. SB 174-Hough, with SCS
43. SB 227-Arthur
44. SJR 4-Koenig
45. SB 318-May, with SCS
46. SB 408-Wieland
47. SB 399-Eigel
48. SB 547-Hoskins, with SCS
49. SB 236-Hough, with SCS
50. SJR 16-Eslinger
51. SB 182-O'Laughlin
52. SB 361-Wieland
53. SB 481-Hough, et al
54. SB 370-Brown
55. SB 54-O'Laughlin, with SCS
56. SB 390-Luetkemeyer
57. SB 400-Onder, with SCS
58. SB 437-Hoskins
59. SB 466-Hoskins, with SCS
60. SB 604-Koenig, with SCS

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|------------------------------|----------------------------------|
| 61. SB 313-Eigel | 71. SB 132-O’Laughlin, with SCS |
| 62. SB 529-Cierpiot | 72. SB 561-Gannon |
| 63. SB 577-Riddle, with SCS | 73. SB 582-Eslinger |
| 64. SB 62-Williams, with SCS | 74. SB 375-Eigel |
| 65. SB 383-Moon | 75. SB 506-Bean |
| 66. SB 272-Mosley, with SCS | 76. SB 317-May |
| 67. SB 244-Onder | 77. SB 323-May |
| 68. SB 184-Bean, with SCS | 78. SB 218-Luetkemeyer, with SCS |
| 69. SB 92-Riddle, with SCS | 79. SB 39-Burlison and Brattin |
| 70. SB 562-Schupp | |

HOUSE BILLS ON THIRD READING

HCS for HB 349 (Koenig)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 1-Hegeman | SB 137-Brattin |
| SB 3-Hegeman | SB 149-Onder |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 163-Cierpiot |
| SB 10-Schatz, with SS (pending) | SB 179-Luetkemeyer |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 202-Cierpiot, with SCS |
| SB 24-Eigel, with SS#2 (pending) | SB 282-Hegeman, with SCS |
| SB 36-Bernskoetter, with SS (pending) | SB 287-Crawford |
| SB 47-Hough | SB 301-Bernskoetter, with SCS & SA 1 (pending) |
| SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending) | SB 354-Hoskins, with SCS, SS for SCS, SA 1 &
point of order (pending) |
| SB 100-Koenig, with SCS | SJR 2-Onder, with SCS |
| SB 123-Hough, with SS & SA 2 (pending) | |

RESOLUTIONS

Reported from Committee

- | | |
|---------------------|---------------|
| SCR 6-Moon | SCR 16-Schatz |
| SCR 15-Bernskoetter | |

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—WEDNESDAY, APRIL 14, 2021

The Senate met pursuant to adjournment.

Senator Hough in the Chair.

Senator May offered the following prayer:

Lord who enlightens, we ask for Your supernatural wisdom as we make some tough decisions during this session. Help us to carefully consider the relevant information that has been gathered. May those sharing information give us pertinent points so we all clearly understand. Help us to be innovative as we brainstorm solutions. Help us to wisely evaluate our options, considering the pros and cons. Help us to be unified in making the best possible decisions and to effectively carry them out. Heavenly Father, in our hearts we plan our course, but we pray that You establish our steps. I pray that we seek You for advice. Let us not make decisions based upon what we know but let us act based upon Your wisdom. Please guide us, Lord. We place this session in Your hands. We place our hearts and our minds in Your hands so that You may direct us. God of peace, we invite You to preside over this meeting. Even if we have different opinions, give us unity of spirit. Help us to each listen politely as others share their points of view. Help us to work as a unified team in combining ideas for a great outcome. Help us to work as a whole, rather than as individuals trying to promote their own agendas. May we have a spirit of camaraderie in this room and work together on our shared mission. In Jesus' Name Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators —None

Absent with leave—Senator Rowden—1

Vacancies—None

RESOLUTIONS

Senator Beck offered Senate Resolution No. 264, regarding James Castro, St. Louis, which was adopted.

Senator Bean offered Senate Resolution No. 265, regarding Dr. Martha Kirkman, Poplar Bluff, which was adopted.

Senator Bean offered Senate Resolution No. 266, regarding Teresa Johnson, Poplar Bluff, which was adopted.

Senator Bean offered Senate Resolution No. 267, regarding Robin Pearson, Poplar Bluff, which was adopted.

Senator Bean offered Senate Resolution No. 268, regarding Tracy King, Fisk, which was adopted.

Senator Bean offered Senate Resolution No. 269, regarding the Class 2 State Champion Campbell High School Boys Basketball Camels, which was adopted.

Senator Bean offered Senate Resolution No. 270, regarding Jack Armor, Poplar Bluff, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 29**.

HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, section 173.030 of the Revised Statutes of Missouri describes the process for public colleges and universities to follow when seeking a statewide mission designation; and

WHEREAS, a college or university must provide the Coordinating Board for Higher Education with particular evidence of the institution's capacity to discharge a statewide mission successfully; and

WHEREAS, Harris-Stowe State University provided the Coordinating Board with the necessary evidence that it can successfully discharge a statewide mission in science, technology, engineering, and mathematics (STEM) for underrepresented and underresourced students; and

WHEREAS, the Coordinating Board voted to approve the request for such designation on December 11, 2019:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundred First General Assembly, First Regular Session, the Senate concurring therein, hereby approve of the statewide mission designation in STEM approved by the Coordinating Board for Higher Education for Harris-Stowe State University; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Higher Education and the President of Harris-Stowe State University.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 189**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Schatz submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 44** and **SS** for **SCS** for **SB 71**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Schatz assumed the Chair.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HCS** for **HJR**s **20**, **2**, **9**, and **27**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 333**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **HCS** for **HB 271**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 850**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hough assumed the Chair.

REFERRALS

President Pro Tem Schatz referred **SS** for **SB 44** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTION OF GUESTS

Senator Williams introduced to the Senate, John Bowman, St. Louis.

Senator Wieland introduced to the Senate, Theresa Welch, Terry McDonald, Judy Klein; and Joan M. Voss.

On motion of Senator White, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTIETH DAY—THURSDAY, APRIL 15, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 306	HB 391-Griffith
HCS for HB 1236	HCS for HB 252
HCS for HB 744	HB 563-Owen
HB 604-Gregory (51)	HB 60-Schnelting
HJR 6-Schnelting	HB 661-Ruth
HB 678-Eggleston	HB 991-Smith (163)
HB 299-Wallingford	HB 911-Hill
HCS for HB 1242	HB 370-Christofanelli
HB 167-Hardwick	HS for HB 297

THIRD READING OF SENATE BILLS

SS for SB 212-White (In Fiscal Oversight)	SS for SCS for SB 126-Brown
SB 5-Wieland	SS for SB 44-White (In Fiscal Oversight)
SS for SCS for SB 57-May (In Fiscal Oversight)	SS for SCS for SB 71-Gannon

SENATE BILLS FOR PERFECTION

1. SB 254-Riddle, with SCS	11. SB 98-Hoskins, with SCS
2. SB 94-Onder	12. SB 360-Wieland, with SCS
3. SB 206-Arthur	13. SB 45-Hough
4. SB 138-Brattin, with SCS	14. SB 65-Rehder, with SCS
5. SB 78-Beck	15. SB 253-Hegeman
6. SB 74-Bean, with SCS	16. SJR 12-Luetkemeyer
7. SB 343-Brown	17. SB 131-Luetkemeyer
8. SB 95-Onder, with SCS	18. SB 291-Brown
9. SB 30-Cierpiot	19. SB 306-Bernskoetter, with SCS
10. SB 134-O’Laughlin and Cierpiot	20. SB 255-Riddle

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|-------------------------------|----------------------------------|
| 21. SB 404-Riddle | 51. SB 182-O’Laughlin |
| 22. SB 334-Bernskoetter | 52. SB 361-Wieland |
| 23. SB 96-Hoskins, with SCS | 53. SB 481-Hough, et al |
| 24. SB 183-O’Laughlin | 54. SB 370-Brown |
| 25. SB 459-Brattin, with SCS | 55. SB 54-O’Laughlin, with SCS |
| 26. SB 198-Eigel, with SCS | 56. SB 390-Luetkemeyer |
| 27. SJR 7-Eigel | 57. SB 400-Onder, with SCS |
| 28. SB 114-Bernskoetter | 58. SB 437-Hoskins |
| 29. SB 316-Hough | 59. SB 466-Hoskins, with SCS |
| 30. SB 372-Riddle | 60. SB 604-Koenig, with SCS |
| 31. SB 195-Koenig | 61. SB 313-Eigel |
| 32. SB 295-Crawford, with SCS | 62. SB 529-Cierpiot |
| 33. SB 169-Burlison | 63. SB 577-Riddle, with SCS |
| 34. SB 139-Bean | 64. SB 62-Williams, with SCS |
| 35. SB 204-Cierpiot, with SCS | 65. SB 383-Moon |
| 36. SB 369-White | 66. SB 272-Mosley, with SCS |
| 37. SB 105-Crawford, with SCS | 67. SB 244-Onder |
| 38. SB 473-Brown | 68. SB 184-Bean, with SCS |
| 39. SB 168-Burlison | 69. SB 92-Riddle, with SCS |
| 40. SB 434-Washington | 70. SB 562-Schupp |
| 41. SB 465-Hoskins, with SCS | 71. SB 132-O’Laughlin, with SCS |
| 42. SB 174-Hough, with SCS | 72. SB 561-Gannon |
| 43. SB 227-Arthur | 73. SB 582-Eslinger |
| 44. SJR 4-Koenig | 74. SB 375-Eigel |
| 45. SB 318-May, with SCS | 75. SB 506-Bean |
| 46. SB 408-Wieland | 76. SB 317-May |
| 47. SB 399-Eigel | 77. SB 323-May |
| 48. SB 547-Hoskins, with SCS | 78. SB 218-Luetkemeyer, with SCS |
| 49. SB 236-Hough, with SCS | 79. SB 39-Burlison and Brattin |
| 50. SJR 16-Eslinger | |

HOUSE BILLS ON THIRD READING

HCS for HB 349 (Koenig)
HCS for HJR 20, 2, 9 & 27 (Onder)
HB 333-Simmons (Onder)

HCS for HB 271, with SCS (Crawford)
HB 850-Wiemann (Onder)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman	SB 137-Brattin
SB 3-Hegeman	SB 149-Onder
SB 7-Riddle, with SS & SA 1 (pending)	SB 163-Cierpiot
SB 10-Schatz, with SS (pending)	SB 179-Luetkemeyer
SB 11-Schatz, with SS & SA 1 (pending)	SB 202-Cierpiot, with SCS
SB 24-Eigel, with SS#2 (pending)	SB 282-Hegeman, with SCS
SB 36-Bernskoetter, with SS (pending)	SB 287-Crawford
SB 47-Hough	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SBs 55, 23 & 25-O’Laughlin, et al, with SCS & SS for SCS (pending)	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 100-Koenig, with SCS	SJR 2-Onder, with SCS
SB 123-Hough, with SS & SA 2 (pending)	

RESOLUTIONS

Reported from Committee

SCR 6-Moon	SCR 16-Schatz
SCR 15-Bernskoetter	

To be Referred

HCR 29-Riggs

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Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—THURSDAY, APRIL 15, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I declare that your steadfast love is established forever; your faithfulness is as firm as the heavens.” (Psalm 89:2)

Gracious God, we are grateful to bring another week to a close and pray that we have made good use of the time we have spent here. Those things we have done according to Your will we ask that You may bless. And those things we have failed to do as You require, we ask Your forgiveness and tolerance as we work our way through this life together. We pray that you watch over “Our going out and coming in” so nothing may interfere with our travel home to be with those we love as together we worship and give You thanks to You, our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—None

The Lieutenant Governor was present.

PETITIONS

Senator Wieland offered a petition from constituents requesting the passage of **SA 1** offered and adopted on March 23, 2021 to **SS** for **SB 1**, relating to reimbursement allowance taxes.

RESOLUTIONS

Senator Brown offered Senate Resolution No. 271, regarding Irelyn M. Meckley, Camdenton, which was adopted.

Senator Eslinger offered Senate Resolution No. 272, regarding Charles and Patti Knight, Hartville, which was adopted.

Senator Hoskins offered Senate Resolution No. 273, regarding Emma Mackenzie Rule, Chillicothe, which was adopted.

Senator Hoskins offered Senate Resolution No. 274, regarding Halle Renee Theno, Higginsville, which was adopted.

Senator Brattin assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 189**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Tyler Seth Johnson, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Loran R. Coleman, as a member of the Missouri Real Estate Commission;

Also,

Stephen J. Copping, Independent, as a member of the Northwest Missouri State University Board of Regents; and

Bruce Lipe, Independent, as a member of the Missouri Fire Safety Education / Advisory Commission.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 476**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HCS No. 2** for **HB 75**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schupp, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 100**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 202**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 404**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 449**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 522**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 640**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1053**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HB 296**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HB 298**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 212**, **SS** for **SB 44** and **SS** for **SCS** for **SB 57**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 362**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 657**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 687**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 262**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 59**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

Senator Brattin assumed the Chair.

THIRD READING OF SENATE BILLS

SS for SB 212, introduced by Senator White, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 212

An Act to repeal sections 56.380, 56.455, 105.950, 149.071, 149.076, 191.1165, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 221.105, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 650.055, and 650.058, RSMo, and to enact in lieu thereof fifty new sections relating to the department of corrections, with existing penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator White, **SS for SB 212** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
Moon	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Roberts	Rowden	Schatz	White	Wieland	Williams—27	

NAYS—Senators

Arthur	May	Rizzo	Schupp	Washington—5
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Absent—Senators—None

Absent with leave—Senators

Crawford	Eigel—2
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Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Washington	White	Wieland	Williams—28

NAYS—Senators

Burlison May Moon Schupp—4

Absent—Senators—None

Absent with leave—Senators

Crawford Eigel—2

Vacancies—None

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SB 5, introduced by Senator Wieland, entitled:

An Act to repeal section 68.075, RSMo, and to enact in lieu thereof one new section relating to advanced industrial manufacturing zones.

Was taken up.

On motion of Senator Wieland, **SB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Eslinger
Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin Burlison Koenig Moon Onder—5

Absent—Senators—None

Absent with leave—Senators

Crawford Eigel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 57, introduced by Senator May, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 57

An Act to amend chapters 590 and 650, RSMo, by adding thereto two new sections relating to funding to certain organizations to deter criminal behavior.

Was taken up.

On motion of Senator May, **SS** for **SCS** for **SB 57** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May
Mosley	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Burlison	Koenig	Moon	O’Laughlin	Onder—5
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Absent—Senators—None

Absent with leave—Senators

Crawford	Eigel—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator May, title to the bill was agreed to.

Senator May moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 126**, introduced by Senator Brown, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 126

An Act to repeal sections 311.070, 311.086, 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218, 311.293, 311.480, 311.482, 311.620, and 311.710, RSMo, and to enact in lieu thereof seventeen new sections relating to the sale of intoxicating liquor, with existing penalty provisions.

Was taken up.

On motion of Senator Brown, **SS** for **SCS** for **SB 126** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle	Rizzo

Roberts	Rowden	Schatz	Washington	White	Wieland	Williams—28
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NAYS—Senators

Eslinger	Gannon	Moon	Schupp—4
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Absent—Senators—None

Absent with leave—Senators

Crawford	Eigel—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SB 44, introduced by Senator White, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 44

An Act to repeal sections 137.010, 137.122, 153.030, 153.034, 204.569, 393.358, and 394.120, RSMo, and to enact in lieu thereof twelve new sections relating to utilities.

Was taken up.

On motion of Senator White, **SS for SB 44** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Cierpiot	Eslinger	Gannon
Hegeman	Hoskins	Hough	Koenig	O’Laughlin	Riddle	Rizzo
Roberts	Rowden	Schatz	Washington	White	Wieland—20	

NAYS—Senators

Arthur	Brown	Burlison	Luetkemeyer	May	Moon	Mosley
Onder	Razer	Rehder	Schupp	Williams—12		

Absent—Senators—None

Absent with leave—Senators

Crawford	Eigel—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 71, introduced by Senator Gannon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 71

An Act to repeal sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof eight new sections relating to protective orders.

Was taken up.

On motion of Senator Gannon, **SS for SCS for SB 71** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Moon	Mosley	O’Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senator Cierpiot—1

Absent with leave—Senators

Crawford Eigel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Gannon, title to the bill was agreed to.

Senator Gannon moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Kehoe assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Riddle, **SB 254**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Onder, **SB 94** was placed on the Informal Calendar.

At the request of Senator Arthur, **SB 206** was placed on the Informal Calendar.

At the request of Senator Brattin, **SB 138**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Beck, **SB 78** was placed on the Informal Calendar.

At the request of Senator Bean, **SB 74**, with **SCS**, was placed on the Informal Calendar.

SB 343 was placed on the Informal Calendar.

At the request of Senator Onder, **SB 95**, with **SCS**, was placed on the Informal Calendar.

SB 30 was placed on the Informal Calendar.

At the request of Senator O’Laughlin, **SB 134**, was placed on the Informal Calendar.

At the request of Senator Hoskins, **SB 98**, with **SCS**, was placed on the Informal Calendar.

SB 360, with **SCS** was placed on the Informal Calendar.

At the request of Senator Hough, **SB 45** was placed on the Informal Calendar.

At the request of Senator Rehder, **SB 65**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hegeman, **SB 253** was placed on the Informal Calendar.

SJR 12 was placed on the Informal Calendar.

SB 131 was placed on the Informal Calendar.

SB 291 was placed on the Informal Calendar.

SB 306, with **SCS**, was placed on the Informal Calendar.

SB 255 was placed on the Informal Calendar.

SB 404 was placed on the Informal Calendar.

SB 334 was placed on the Informal Calendar.

At the request of Senator Hoskins, **SB 96**, with **SCS**, was placed on the Informal Calendar.

SB 183 was placed on the Informal Calendar.

SB 459, with **SCS**, was placed on the Informal Calendar.

SB 198, with **SCS**, was placed on the Informal Calendar.

SJR 7 was placed on the Informal Calendar.

SB 114 was placed on the Informal Calendar.

SB 316 was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 372** was placed on the Informal Calendar.

At the request of Senator Koenig, **SB 195** was placed on the Informal Calendar.

SB 295, with **SCS**, was placed on the Informal Calendar.

SB 169 was placed on the Informal Calendar.

At the request of Senator Bean, **SB 139** was placed on the Informal Calendar.

SB 204, with **SCS**, was placed on the Informal Calendar.

At the request of Senator White, **SB 369** was placed on the Informal Calendar.

SB 105, with **SCS**, was placed on the Informal Calendar.

SB 473 was placed on the Informal Calendar.

SB 168 was placed on the Informal Calendar.

SB 434 was placed on the Informal Calendar.

At the request of Senator Hoskins, **SB 465**, with **SCS**, was placed on the Informal Calendar.

SB 174, with **SCS**, was placed on the Informal Calendar.

SB 227 was placed on the Informal Calendar.

At the request of Senator Koenig, **SJR 4** was placed on the Informal Calendar.

At the request of Senator May, **SB 318**, with **SCS**, was placed on the Informal Calendar.

SB 408 was placed on the Informal Calendar.

SB 399 was placed on the Informal Calendar.

SB 547, with **SCS**, was placed on the Informal Calendar.

SB 236, with **SCS**, was placed on the Informal Calendar.

SJR 16 was placed on the Informal Calendar.

SB 182 was placed on the Informal Calendar.

SB 361 was placed on the Informal Calendar.

SB 481 was placed on the Informal Calendar.

SB 370 was placed on the Informal Calendar.

SB 54, with **SCS**, was placed on the Informal Calendar.

SB 390 was placed on the Informal Calendar.

SB 400, with **SCS**, was placed on the Informal Calendar.

SB 437 was placed on the Informal Calendar.

SB 466, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Koenig, **SB 604**, with **SCS**, was placed on the Informal Calendar.

SB 313 was placed on the Informal Calendar.

SB 529 was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 577**, with **SCS**, was placed on the Informal Calendar.

SB 62, with **SCS**, was placed on the Informal Calendar.

SB 383 was placed on the Informal Calendar.

At the request of Senator Mosley, **SB 272**, with **SCS**, was placed on the Informal Calendar.

SB 244 was placed on the Informal Calendar.

At the request of Senator Bean, **SB 184**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 92**, with **SCS**, was placed on the Informal Calendar.

SB 562 was placed on the Informal Calendar.

SB 132, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gannon, **SB 561** was placed on the Informal Calendar.

SB 582 was placed on the Informal Calendar.

SB 375 was placed on the Informal Calendar.

At the request of Senator Bean, **SB 506** was placed on the Informal Calendar.

SB 317 was placed on the Informal Calendar.

SB 323 was placed on the Informal Calendar.

SB 218, with **SCS**, was placed on the Informal Calendar.

SB 39 was placed on the Informal Calendar.

REFERRALS

President Pro Tem Schatz referred **HCR 29** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator O’Laughlin, Chairman of the Committee on Education, Senator Rowden submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 306**—Education.

HCS for **HB 1236**—Appropriations.

HCS for **HB 744**—Judiciary and Civil and Criminal Jurisprudence.

HB 604—Insurance and Banking.

HJR 6—Seniors, Families, Veterans & Military Affairs.

HB 678—Local Government and Elections.

HB 299—Seniors, Families, Veterans & Military Affairs.

HCS for **HB 1242**—Judiciary and Civil and Criminal Jurisprudence.

HB 167—Transportation, Infrastructure and Public Safety.

HB 391—Seniors, Families, Veterans & Military Affairs.

HCS for **HB 252**—Local Government and Elections.

HB 563—Local Government and Elections.

HB 60—Seniors, Families, Veterans & Military Affairs.

HB 661—Transportation, Infrastructure and Public Safety.

HB 991—Ways and Means.

HB 911—Transportation, Infrastructure and Public Safety.

HB 370—Health and Pensions.

HS for HB 297—Education.

INTRODUCTION OF GUESTS

Senator Luetkemeyer introduced to the Senate, Anderson Mertz, Avery DeMint, Emily Bryant; and Pete Mandacina.

Senator Moon introduced to the Senate, Christian Ministries Academy, Hurley.

Senator Rizzo introduced to the Senate, Ted Brooks, Deron Cherry; and Mike Pizzichino, Kansas City.

Senator Hoskins introduced to the Senate, Charles M. Cierpiot, Lee's Summit.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, April 19, 2021.

SENATE CALENDAR

FIFTY-FIRST DAY—MONDAY, APRIL 19, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 265-Eslinger

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 349 (Koenig) | 7. HCS#2 for HB 75 (Onder) |
| 2. HCS for HJR 20, 2, 9 & 27 (Onder) | 8. HCS for HB 362, with SCS (Wieland) |
| 3. HB 333-Simmons (Onder) | 9. HB 657-Trent, with SCS (Wieland) |
| 4. HCS for HB 271, with SCS (Crawford) | 10. HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097 (Bernskoetter) |
| 5. HB 850-Wiemann (Onder) | 11. HCS for HB 59, with SCS (Luetkemeyer) |
| 6. HB 476-Grier (Bernskoetter) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman	SB 169-Burlison
SB 3-Hegeman	SB 174-Hough, with SCS
SB 7-Riddle, with SS & SA 1 (pending)	SB 179-Luetkemeyer
SB 10-Schatz, with SS (pending)	SB 182-O'Laughlin
SB 11-Schatz, with SS & SA 1 (pending)	SB 183-O'Laughlin
SB 24-Eigel, with SS#2 (pending)	SB 184-Bean, with SCS
SB 30-Cierpiot	SB 195-Koenig
SB 36-Bernskoetter, with SS (pending)	SB 198-Eigel, with SCS
SB 39-Burlison and Brattin	SB 202-Cierpiot, with SCS
SB 45-Hough	SB 204-Cierpiot, with SCS
SB 47-Hough	SB 206-Arthur
SB 54-O'Laughlin, with SCS	SB 218-Luetkemeyer, with SCS
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)	SB 227-Arthur
SB 62-Williams, with SCS	SB 236-Hough, with SCS
SB 65-Rehder, with SCS	SB 244-Onder
SB 74-Bean, with SCS	SB 253-Hegeman
SB 78-Beck	SB 254-Riddle, with SCS
SB 92-Riddle, with SCS	SB 255-Riddle
SB 94-Onder	SB 272-Mosley, with SCS
SB 95-Onder, with SCS	SB 282-Hegeman, with SCS
SB 96-Hoskins, with SCS	SB 287-Crawford
SB 98-Hoskins, with SCS	SB 291-Brown
SB 100-Koenig, with SCS	SB 295-Crawford, with SCS
SB 105-Crawford, with SCS	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 114-Bernskoetter	SB 306-Bernskoetter, with SCS
SB 123-Hough, with SS & SA 2 (pending)	SB 313-Eigel
SB 131-Luetkemeyer	SB 316-Hough
SB 132-O'Laughlin, with SCS	SB 317-May
SB 134-O'Laughlin and Cierpiot	SB 318-May, with SCS
SB 137-Brattin	SB 323-May
SB 138-Brattin, with SCS	SB 334-Bernskoetter
SB 139-Bean	SB 343-Brown
SB 149-Onder	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 163-Cierpiot	SB 360-Wieland, with SCS
SB 168-Burlison	

SB 361-Wieland	SB 473-Brown
SB 369-White	SB 481-Hough, et al
SB 370-Brown	SB 506-Bean
SB 372-Riddle	SB 529-Cierpiot
SB 375-Eigel	SB 547-Hoskins, with SCS
SB 383-Moon	SB 561-Gannon
SB 390-Luetkemeyer	SB 562-Schupp
SB 399-Eigel	SB 577-Riddle, with SCS
SB 400-Onder, with SCS	SB 582-Eslinger
SB 404-Riddle	SB 604-Koenig, with SCS
SB 408-Wieland	SJR 2-Onder, with SCS
SB 434-Washington	SJR 4-Koenig
SB 437-Hoskins	SJR 7-Eigel
SB 459-Brattin, with SCS	SJR 12-Luetkemeyer
SB 465-Hoskins, with SCS	SJR 16-Eslinger
SB 466-Hoskins, with SCS	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 1053-Patterson (Onder)
HB 202-McGill (Gannon)	HB 296-Wallingford (White)
HB 404-Aldridge	HB 298-Wallingford (White)
HB 449-Tate (Gannon)	HB 687-Riley (Hough)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)
HB 640-Morse (Bean)	

RESOLUTIONS

Reported from Committee

SCR 6-Moon	SCR 16-Schatz
SCR 15-Bernskoetter	

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY—MONDAY, APRIL 19, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“O taste and see that the Lord is good; happy are those who take refuge in Him.” (Psalm 34:8)

O blessed God, You continue to provide us with what we need, food for our bodies, work for our minds and love for our hearts for which we are truly grateful. As we begin a new week, we are mindful of the continual violence that plagues our nation and death continue to be ever present in the news. Help us not to be discouraged nor be fearful but let us draw closer to You, our God. May our efforts bear fruit for what we can do together to produce what is most needed and helpful for which we are grateful for our collective efforts in what we can put together. So, help us Lord embrace every task with wisdom and care so that we waste not our time nor energy but give forth our best effort. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 15, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 275, regarding the Ninetieth Birthday of Carol T. Ellinger, which was adopted.

Senator Riddle offered Senate Resolution No. 276, regarding Brock Miller, Paris, which was adopted.

Senator Riddle offered Senate Resolution No. 277, regarding Chris Ebbesmeyer, Paris, which was adopted.

Senator Riddle offered Senate Resolution No. 278, regarding the One Hundredth Birthday of Irvan Schupmann, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 279, regarding Stacey King, Fulton, which was adopted.

Senator Crawford offered Senate Resolution No. 280, regarding Meredith Brookshire Tester, Sedalia, which was adopted.

Senator Rehder offered Senate Resolution No. 281, regarding Lily Camille Kintz, Piedmont, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 282, regarding Alyssa Marie Goolsby, Saint Joseph, which was adopted.

Senator Mosley offered Senate Resolution No. 283, regarding Stephanie Njeri, Florissant, which was adopted.

Senator Eslinger offered Senate Resolution No. 284, regarding Emma Elizabeth McDaris, Hartville, which was adopted.

Senator Williams offered Senate Resolution No. 285, regarding Mercy Joy Muiruri, Hazelwood, which was adopted.

Senator Onder offered Senate Resolution No. 286, regarding Mary K. Wright, Lake Saint Louis, which was adopted.

Senator Onder offered Senate Resolution No. 287, regarding Madison Wieberg, Wentzville, which was adopted.

Senator Williams offered Senate Resolution No. 288, regarding the death of Mildred Leona Rogers Anderson, Saint Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 289, regarding Olivia Biernacki, Olivette, which was adopted.

Senator Schupp offered Senate Resolution No. 290, regarding Ava Eisenhower, Ballwin, which was adopted.

Senator Gannon offered Senate Resolution No. 291, regarding Barbara Jean Steel, Park Hills, which was adopted.

Senator Gannon offered Senate Resolution No. 292, regarding Leah M. Mills, Irondale, which was adopted.

Senators Roberts, May and Williams offered Senate Resolution No. 293, regarding the death of Halbert Sullivan, St. Charles, which was adopted.

Senator White offered Senate Resolution No. 294, regarding Elizabeth “Beth” Simmons, Carthage, which was adopted.

Senator White offered Senate Resolution No. 295, regarding Cayden Auch, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1069**, entitled:

An Act to repeal sections 575.040, 575.050, 575.160, 575.270, 575.280, and 576.030, RSMo, and to enact in lieu thereof nine new sections relating to offenses committed against a body of the general assembly, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 320**, entitled:

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.018, and 209.610, RSMo, and to enact in lieu thereof thirteen new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 137**, entitled:

An Act to repeal sections 160.400, 160.415, 163.024, and 167.151, RSMo, and to enact in lieu thereof four new sections relating to funding for schools, with an emergency clause.

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 21**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Elementary and Secondary Education, Department of Mental Health, Department of Health and Senior Services, Department of Social Services, State Treasurer, and the Office of the State Public Defender and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 570**, entitled:

An Act to repeal sections 300.155 and 304.281, RSMo, and to enact in lieu thereof two new sections relating to traffic control signals, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 507**, entitled:

An Act to repeal sections 313.800, 313.805, and 313.812, RSMo, and to enact in lieu thereof three new sections relating to the definition of physical location of excursion gambling boat.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 66**, entitled:

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to aircraft taxation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 402**, entitled:

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to prohibiting the publishing of the names of lottery winners, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 475**, entitled:

An Act to repeal sections 324.200 and 324.206, RSMo, and to enact in lieu thereof two new sections relating to dietitians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 589**, entitled:

An Act to repeal sections 566.111, 578.005, 578.009, 578.012, 578.018, and 578.030, RSMo, and to enact in lieu thereof eight new sections relating to public health, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 825**, entitled:

An Act to amend chapters 304 and 570, RSMo, by adding thereto two new sections relating to package delivery, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 177**, entitled:

An Act to repeal sections 210.152 and 610.021, RSMo, and to enact in lieu thereof four new sections relating to public access to records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 27**, entitled:

An Act to repeal sections 610.020 and 610.027, RSMo, and to enact in lieu thereof three new sections

relating to the sunshine law, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Riddle moved that **SB 254**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 254**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 254

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

Was taken up.

Senator Riddle moved that **SCS** for **SB 254** be adopted.

Senator Riddle offered **SS** for **SCS** for **SB 254**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 254

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

Senator Riddle moved that **SS** for **SCS** for **SB 254** be adopted.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 254, Page 2, Section 261.099, Lines 25-27, by striking all of said lines and inserting in lieu thereof the following:

“3. (1) This section shall not apply to inspections performed in any municipality located in three or more counties, with one being a charter county, charter counties, or to any city not within a county.”.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 254, Page 2, Section 261.099, Lines 33-50, by striking all of said lines from the bill.

Senator Roberts moved that the above amendment be adopted.

At the request of Senator Riddle, **SB 254**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the

Informal Calendar.

Senator Onder moved that **SB 94** be taken up for perfection, which motion prevailed.

Senator Onder offered **SS** for **SB 94**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 94

An Act to repeal section 431.202, RSMo, and to enact in lieu thereof three new sections relating to the employer-employee relationship.

Senator Onder moved that **SS** for **SB 94** be adopted.

Senator Razer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 94, Page 1, Section A, Line 3, by inserting after all of said line the following:

“213.010. As used in this chapter, the following terms shall mean:

(1) “Age”, an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand dollars;

(2) “Because” or “because of”, as it relates to the adverse decision or action, the protected criterion was the motivating factor;

(3) “Commission”, the Missouri commission on human rights;

(4) “Complainant”, a person who has filed a complaint with the commission alleging that another person has engaged in a prohibited discriminatory practice;

(5) “Disability”, a physical or mental impairment which substantially limits one or more of a person’s major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this chapter, the term “disability” does not include current, illegal use of or addiction to a controlled substance as such term is defined by section 195.010; however, a person may be considered to have a disability if that person:

(a) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

(b) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(c) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance;

(6) “Discrimination”, conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, [or] **sexual orientation as it relates to employment, gender identity as it relates to employment**, age as it relates to employment, disability, or familial status as it relates to housing. **Discrimination includes any unfair treatment based on a person’s presumed or assumed race, color, religion, national origin, ancestry, sex, sexual orientation as it relates to employment, gender identity as it relates to employment, age as it relates to employment, disability, or familial status as it relates to housing, regardless of whether the presumption or assumption as to such characteristic is correct;**

(7) “Dwelling”, any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof;

(8) “Employer”, a person engaged in an industry affecting commerce who has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and shall include the state, or any political or civil subdivision thereof, or any person employing six or more persons within the state but does not include corporations and associations owned or operated by religious or sectarian organizations. “Employer” shall not include:

(a) The United States;

(b) A corporation wholly owned by the government of the United States;

(c) An individual employed by an employer;

(d) An Indian tribe;

(e) Any department or agency of the District of Columbia subject by statute to procedures of the competitive service, as defined in 5 U.S.C. Section [2101] **2102**; or

(f) A bona fide private membership club, other than a labor organization, that is exempt from taxation under 26 U.S.C. Section 501(c);

(9) “Employment agency” includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer;

(10) “Executive director”, the executive director of the Missouri commission on human rights;

(11) “Familial status”, one or more individuals who have not attained the age of eighteen years being domiciled with:

(a) A parent or another person having legal custody of such individual; or

(b) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination because of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(12) **“Gender identity”, the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual’s assigned sex at**

birth;

(13) “Human rights fund”, a fund established to receive civil penalties as required by federal regulations and as set forth by subdivision (2) of subsection 11 of section 213.075, and which will be disbursed to offset additional expenses related to compliance with the Department of Housing and Urban Development regulations;

[(13)] (14) “Labor organization” includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment;

[(14)] (15) “Local commissions”, any commission or agency established prior to August 13, 1986, by an ordinance or order adopted by the governing body of any city, constitutional charter city, town, village, or county;

[(15)] (16) “Person” includes one or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons;

[(16)] (17) “Places of public accommodation”, all places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

(a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as **[his] the proprietor’s** residence;

(b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;

(c) Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;

(d) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(e) Any public facility owned, operated, or managed by or on behalf of this state or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;

(f) Any establishment which is physically located within the premises of any establishment otherwise covered by this section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment;

[(17)] (18) “Rent” includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;

[(18)] (19) “Respondent”, a person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the commission;

(20) “Sexual orientation”, one’s actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone. The term “sexual orientation” includes a history of such attraction or relationship or a history of no such attraction or relationship;

[(19)] **(21)** “The motivating factor”, the employee’s protected classification actually played a role in the adverse action or decision and had a determinative influence on the adverse decision or action;

[(20)] **(22)** “Unlawful discriminatory practice”, any act that is unlawful under this chapter.

213.030. 1. The powers and duties of the commission shall be:

(1) To seek to eliminate and prevent discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation as it relates to employment, gender identity as it relates to employment**, age as it relates to employment, disability, or familial status as it relates to housing and to take other actions against discrimination because of race, color, religion, national origin, ancestry, sex, **sexual orientation as it relates to employment, gender identity as it relates to employment**, age, disability, or familial status as provided by law; and the commission is hereby given general jurisdiction and power for such purposes;

(2) To implement the purposes of this chapter first by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

(3) To formulate policies to implement the purposes of this chapter and to make recommendations to agencies and officers of the state and political subdivisions in aid of such policies and purposes;

(4) To appoint such employees as it may deem necessary, fix their compensation within the appropriations provided and in accordance with the wage structure established for other state agencies, and prescribe their duties;

(5) To obtain upon request and utilize the services of all governmental departments and agencies to be paid from appropriations to this commission;

(6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter and the policies and practices of the commission in connection therewith;

(7) To receive, investigate, initiate, and pass upon complaints alleging discrimination in employment, housing or in places of public accommodations because of race, color, religion, national origin, ancestry, sex, **sexual orientation as it relates to employment, gender identity as it relates to employment**, age as it relates to employment, disability, or familial status as it relates to housing and to require the production for examination of any books, papers, records, or other materials relating to any matter under investigation;

(8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books, papers or other materials relating to any matter under investigation or in question before the commission;

(9) To issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination in housing, employment or in places of public accommodation

because of race, color, religion, national origin, ancestry, sex, **sexual orientation as it relates to employment, gender identity as it relates to employment**, age as it relates to employment, disability, or familial status as it relates to housing;

(10) To provide each year to the governor and to the general assembly a full written report of all its activities and of its recommendations;

(11) To adopt an official seal;

(12) To cooperate, act jointly, enter into cooperative or work-sharing agreements with the United States Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and other federal agencies and local commissions or agencies to achieve the purposes of this chapter;

(13) To accept grants, private gifts, bequests, and establish funds to dispose of such moneys so long as the conditions of the grant, gift, or bequest are not inconsistent with the purposes of this chapter and are used to achieve the purposes of this chapter;

(14) To establish a human rights fund as defined in section 213.010, for the purposes of administering sections 213.040, 213.045, 213.050, 213.070, 213.075, and 213.076.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**.

213.055. 1. It shall be an unlawful employment practice:

(1) For an employer, because of the race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of any individual:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to [his] **such individual's** compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability;

(b) To limit, segregate, or classify [his] employees or [his] employment applicants in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect [his] **such individual's** status as an employee, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability;

(2) For a labor organization to exclude or to expel from its membership any individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of any individual; or to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect [his] **such individual's** status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability; or for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of [his] **such individual's** race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability in admission to, or employment in, any program

established to provide apprenticeship or other training;

(3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age as it relates to employment, or disability, or to classify or refer for employment any individual because of his or her race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability.

2. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex, **sexual orientation, gender identity**, national origin, ancestry, age or disability, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability.

3. Nothing contained in this chapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, national origin, sex, **sexual orientation, gender identity**, ancestry, age or disability in any community, state, section, or other area, or in the available workforce in any community, state, section, or other area.

4. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for the state or any political subdivision of the state to comply with the provisions of 29 U.S.C. Section 623 relating to employment as firefighters or law enforcement officers.

213.070. 1. It shall be an unlawful discriminatory practice for an employer, employment agency, labor organization, or place of public accommodation:

(1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to attempt to do so;

(2) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, testified, assisted, or

participated in any manner in any investigation, proceeding or hearing conducted pursuant to this chapter;

(3) For the state or any political subdivision of this state to discriminate on the basis of race, color, religion, national origin, sex, **sexual orientation as it relates to employment, gender identity as it relates to employment**, ancestry, age, as it relates to employment, disability, or familial status as it relates to housing; or

(4) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter.

2. This chapter, in addition to chapter 285 and chapter 287, shall provide the exclusive remedy for any and all claims for injury or damages arising out of an employment relationship.

213.101. 1. The provisions of this chapter shall be construed to accomplish the purposes thereof and any law inconsistent with any provision of this chapter shall not apply. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, national origin, sex, **sexual orientation as it relates to employment, gender identity as it relates to employment**, ancestry, age, disability, or familial status.

2. The general assembly hereby expressly abrogates the case of *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo.App. E.D. 2006), and its progeny as it relates to the necessity and appropriateness of the issuance of a business judgment instruction. In all civil actions brought under this chapter, a jury shall be given an instruction expressing the business judgment rule.

3. If an employer in a case brought under this chapter files a motion pursuant to rule 74.04 of the Missouri rules of civil procedure, the court shall consider the burden-shifting analysis of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and its progeny to be highly persuasive for analysis in cases not involving direct evidence of discrimination.

4. The general assembly hereby expressly abrogates by this statute the cases of *Daugherty v. City of Maryland Heights*, 231 S.W.3d 814 (Mo. 2007) and its progeny as they relate to the contributing factor standard and abandonment of the burden-shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

5. The general assembly hereby expressly abrogates by this statute the holding in *Hurst v. Kansas City Mo. School District*, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri Approved Instruction 19.01 may be applied to actions brought pursuant to this chapter, and the holding in *Thomas v. McKeever's Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D. 2012), that juries shall not be instructed that plaintiffs bear the burden of establishing "but for" causation in actions brought pursuant to this chapter.

6. The general assembly hereby abrogates all Missouri-approved jury instructions specifically addressing civil actions brought under this chapter which were in effect prior to August 28, 2017.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted.

Senator Hegeman offered SA 1 to SA 1:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 94, Page 14, Section 213.101,

Line 438, by inserting after all of said line the following:

“213.111. 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice pursuant to section 213.055, 213.065 or 213.070 to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.055 or 213.065, or subdivision (3) of subsection 1 of section 213.070 as it relates to employment and public accommodations, the commission has not completed its administrative processing and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. If, after the filing of a complaint pursuant to sections 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of sections 213.040, 213.045 and 213.050, or subdivision (3) of subsection 1 of section 213.070 as it relates to housing, and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. The commission may not at any other time or for any other reason issue a letter indicating a complainant's right to bring a civil action. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have been committed, either before a circuit or associate circuit judge. Upon issuance of this notice, the commission shall terminate all proceedings relating to the complaint. No person may file or reinstate a complaint with the commission after the issuance of a notice under this section relating to the same practice or act. Any action brought in court under this section shall be filed within ninety days from the date of the commission's notification letter to the individual but no later than two years after the alleged cause occurred or its reasonable discovery by the alleged injured party.

2. (1) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual and punitive damages, and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission; except that, a prevailing respondent may be awarded reasonable attorney fees only upon a showing that the case was without foundation.

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, in addition to any other relief awarded by the court pursuant to subdivision (1) of this subsection, the court shall award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission, in any action brought pursuant to this chapter because of sexual orientation or gender identity.

3. Any party to any action initiated under this section has a right to a trial by jury.

4. The sum of the amount of actual damages, including damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and punitive damages awarded under this section shall not exceed for each complaining party:

(1) Actual back pay and interest on back pay; and

(2) (a) In the case of a respondent who has more than five and fewer than one hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, fifty thousand dollars;

(b) In the case of a respondent who has more than one hundred and fewer than two hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, one hundred

thousand dollars;

(c) In the case of a respondent who has more than two hundred and fewer than five hundred one employees in each of twenty or more calendar weeks in the current or preceding calendar year, two hundred thousand dollars; or

(d) In the case of a respondent who has more than five hundred employees in each of twenty or more calendar weeks in the current or preceding calendar year, five hundred thousand dollars.

5. In any employment-related civil action brought under this chapter, the plaintiff shall bear the burden of proving the alleged unlawful decision or action was made or taken because of his or her protected classification and was the direct proximate cause of the claimed damages.”.

Senator Hegeman moved that the above amendment be adopted.

At the request of Senator Onder, **SB 94**, with **SS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1030**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to disclosure of personal information to public agencies, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 261**, entitled:

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof two new sections relating to the Missouri nuclear clean power act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 313**, entitled:

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to victim impact programs for driving while intoxicated offenders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 689**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to limited tax credits for certain medical education-related preceptorships.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 29**, entitled:

An Act to repeal section 37.850, RSMo, and to enact in lieu thereof two new sections relating to government accountability, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 553**, entitled:

An Act to repeal sections 27.010, 285.040, and 285.575, RSMo, and to enact in lieu thereof five new sections relating to residency requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 556**, entitled:

An Act to repeal section 116.220, RSMo, and to enact in lieu thereof one new section relating to labeling of ballot measures.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 317**, entitled:

An Act to repeal section 320.336, RSMo, and to enact in lieu thereof one new section relating to reemployment rights of Missouri Task Force One members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 307**, entitled:

An Act to to repeal sections 300.010, 300.155, 301.010, 302.010, 303.020, 304.001, 304.022, 304.240, 304.281, 307.025, 307.175, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 944**, entitled:

An Act to repeal sections 70.441, 571.030, 571.101, 571.107, 577.703, and 577.712, RSMo, and to enact in lieu thereof eight new sections relating to firearms, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 162**, entitled:

An Act to repeal sections 339.150, 347.143, 347.179, 347.183, 358.460, and 358.470, RSMo, and to enact in lieu thereof seven new sections relating to business entities registered with the secretary of state.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 848, 617 and 822**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to daylight saving time.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 500**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto eleven new sections relating to statewide mechanical contractor licenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 165** and **196**, entitled:

An Act to repeal sections 49.310, 137.275, and 476.083, RSMo, and to enact in lieu thereof six new sections relating to counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1070**, entitled:

An Act to repeal sections 316.250, 537.346, 537.347, and 537.348, RSMo, and to enact in lieu thereof five new sections relating to landowner liability.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 649**, entitled:

An Act to repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof three new sections relating to employment security, with delayed effective dates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Koenig offered Senate Resolution No. 296, regarding Sabrina Baggstrom, Kirkwood, which was adopted.

Senator Koenig offered Senate Resolution No. 297, regarding Zoe Knight, Kirkwood, which was adopted.

Senator Koenig offered Senate Resolution No. 298, regarding Alejandra Indelicato, Wildwood, which was adopted.

INTRODUCTION OF GUESTS

Senator Riddle introduced to the Senate, Steve Hobbs, Mexico; Tracy Graham, Mexico; Judge Gary

Moore, Kentucky; Susette Taylor, Rockport; Phil Rogers, Savannah; and Batina Dodge, Memphis.

Senator Mosley introduced to the Senate, Stephanie Njeri, Florissant.

Senator Bernskoetter introduced to the Senate, his wife, Jeanette Bernskoetter, his daughter, Krista Castrop; his son, Kyle Bernskoetter; his grandkids, Trenton, Julia, John, Grace, Cody, Alma, Chase; and his daughter-in-laws, Tina and Robin Bernskoetter.

Senator Bernskoetter introduced to the Senate, Kristi Newman.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY—TUESDAY, APRIL 20, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1069-Evans	HB 313-Bromley
HCS for HB 320	HCS for HB 689
HCS for HB 137	HCS for HB 29
HCS for HB 21	HCS for HB 553
HB 570-Basye	HCS for HB 556
HB 507-Rone	HB 317-Toalson Reisch
HCS for HB 66	HCS for HB 307
HCS for HB 402	HCS for HB 944
HCS for HB 475	HCS for HB 162
HCS for HB 589	HCS for HBs 848, 617 & 822
HCS for HB 825	HB 500-Schroer
HB 177-Ellebracht	HCS for HBs 165 & 196
HCS for HB 27	HB 1070-Hudson
HCS for HB 1030	HCS for HB 649
HB 261-Black (37)	

SENATE BILLS FOR PERFECTION

SB 265-Eslinger

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HCS for HB 349 (Koenig) | 7. HCS #2 for HB 75 (Onder) |
| 2. HCS for HJR 20, 2, 9 & 27 (Onder) | 8. HCS for HB 362, with SCS (Wieland) |
| 3. HB 333-Simmons (Onder) | 9. HB 657-Trent, with SCS (Wieland) |
| 4. HCS for HB 271, with SCS (Crawford) | 10. HCS for HBs 1083, 1085, 1050, 1035, |
| 5. HB 850-Wiemann (Onder) | 1036, 873 & 1097 (Bernskoetter) |
| 6. HB 476-Grier (Bernskoetter) | 11. HCS for HB 59, with SCS (Luetkemeyer) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 1-Hegeman | SB 100-Koenig, with SCS |
| SB 3-Hegeman | SB 105-Crawford, with SCS |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 114-Bernskoetter |
| SB 10-Schatz, with SS (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 131-Luetkemeyer |
| SB 24-Eigel, with SS#2 (pending) | SB 132-O'Laughlin, with SCS |
| SB 30-Cierpiot | SB 134-O'Laughlin and Cierpiot |
| SB 36-Bernskoetter, with SS (pending) | SB 137-Brattin |
| SB 39-Burlison and Brattin | SB 138-Brattin, with SCS |
| SB 45-Hough | SB 139-Bean |
| SB 47-Hough | SB 149-Onder |
| SB 54-O'Laughlin, with SCS | SB 163-Cierpiot |
| SBs 55, 23 & 25-O'Laughlin, et al, with
SCS & SS for SCS (pending) | SB 168-Burlison |
| SB 62-Williams, with SCS | SB 169-Burlison |
| SB 65-Rehder, with SCS | SB 174-Hough, with SCS |
| SB 74-Bean, with SCS | SB 179-Luetkemeyer |
| SB 78-Beck | SB 182-O'Laughlin |
| SB 92-Riddle, with SCS | SB 183-O'Laughlin |
| SB 94-Onder with SS, SA1 to SS & SA 1 to
SA 1 (pending) | SB 184-Bean, with SCS |
| SB 95-Onder, with SCS | SB 195-Koenig |
| SB 96-Hoskins, with SCS | SB 198-Eigel, with SCS |
| SB 98-Hoskins, with SCS | SB 202-Cierpiot, with SCS |
| | SB 204-Cierpiot, with SCS |
| | SB 206-Arthur |

SB 218-Luetkemeyer, with SCS	SB 372-Riddle
SB 227-Arthur	SB 375-Eigel
SB 236-Hough, with SCS	SB 383-Moon
SB 244-Onder	SB 390-Luetkemeyer
SB 253-Hegeman	SB 399-Eigel
SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)	SB 400-Onder, with SCS
SB 255-Riddle	SB 404-Riddle
SB 272-Mosley, with SCS	SB 408-Wieland
SB 282-Hegeman, with SCS	SB 434-Washington
SB 287-Crawford	SB 437-Hoskins
SB 291-Brown	SB 459-Brattin, with SCS
SB 295-Crawford, with SCS	SB 465-Hoskins, with SCS
SB 301-Bernskoetter, with SCS & SA 1 (pending)	SB 466-Hoskins, with SCS
SB 306-Bernskoetter, with SCS	SB 473-Brown
SB 313-Eigel	SB 481-Hough, et al
SB 316-Hough	SB 506-Bean
SB 317-May	SB 529-Cierpiot
SB 318-May, with SCS	SB 547-Hoskins, with SCS
SB 323-May	SB 561-Gannon
SB 334-Bernskoetter	SB 562-Schupp
SB 343-Brown	SB 577-Riddle, with SCS
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 582-Eslinger
SB 360-Wieland, with SCS	SB 604-Koenig, with SCS
SB 361-Wieland	SJR 2-Onder, with SCS
SB 369-White	SJR 4-Koenig
SB 370-Brown	SJR 7-Eigel
	SJR 12-Luetkemeyer
	SJR 16-Eslinger

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)

HB 202-McGill (Gannon)

HB 404-Aldridge

HB 449-Tate (Gannon)

HB 522-Windham (Williams)

HB 640-Morse (Bean)

HB 1053-Patterson (Onder)

HB 296-Wallingford (White)

HB 298-Wallingford (White)

HB 687-Riley (Hough)

HB 262-Black (137) (Eslinger)

RESOLUTIONS

Reported from Committee

SCR 6-Moon

SCR 15-Bernskoetter

SCR 16-Schatz

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—TUESDAY, APRIL 20, 2021

The Senate met pursuant to adjournment.

Senator Crawford in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Inquire first for the word of the Lord.” (2 Chronicles 18:4)

Heavenly Father we give You thanks during moments of silence for in them we have the opportunity to know You, Our Lord and Our God. Remind us Lord, to look for Your unexpected appearances in our lives and the surprises that often come in really seeing You in the person with whom we communicate. We are thankful, Lord, for all that is about us, especially during this season of Spring, although today seems like winter and yet rebirth we see all around us and give You thanks. In Your Holy Name we pray. Amen

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wieland offered Senate Resolution No. 299, regarding Chase Hatch, Arnold, which was adopted.

Senator Gannon offered Senate Resolution No. 300, regarding Darlene K. Williams, Farmington, which was adopted.

Senator Eigel offered Senate Resolution No. 301, regarding Lillian Henderson, Weldon Spring, which was adopted.

Senator Eigel offered Senate Resolution No. 302, regarding Jessica Hiegel, Saint Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 303, regarding Megan Sollors, Weldon Spring, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 304, regarding Cassi Rodgers, Marceline, which was adopted.

Senator Schupp offered Senate Resolution No. 305, regarding Abby Prywitch, Chesterfield, which was adopted.

Senator Eslinger offered Senate Resolution No. 306, regarding Sheryl Lawson, Theodosia, which was adopted.

Senator Eslinger offered Senate Resolution No. 307, regarding Vicki Oxley, Wasola, which was adopted.

Senator Eslinger offered Senate Resolution No. 308, regarding Karen Schlegel, Wasola, which was adopted.

Senator Gannon offered Senate Resolution No. 309, regarding Nancy J. Hill, Farmington, which was adopted.

Senator Eslinger offered Senate Resolution No. 310, regarding Catherine McKinzie, Gainesville, which was adopted.

Senator Eslinger offered Senate Resolution No. 311, regarding Kristina Ledbetter, Gainesville, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 312, regarding Carl Houston, Tipton, which was adopted.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics,

submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 687**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 231**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Crawford assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Hough moved that **SB 45** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Hough offered **SS** for **SB 45**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 45

An Act to repeal sections 287.245 and 537.620, RSMo, and to enact in lieu thereof three new sections relating to benefits for certain firefighters as a result of employment as a firefighter.

Senator Hough moved that **SS** for **SB 45** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 45, Page 1, In the Title, Lines 4-5, by striking said lines and inserting in lieu thereof the following: “public employees”; and

Further amend said bill and page, section A, line 4, by inserting after all of said line the following:

“105.506. 1. This section shall be known as the “Public Employee Janus Rights Act”.

2. Pursuant to federal law enunciated by the United States Supreme Court in *Janus v. American Federation of State, County and Municipal Employees, Council 31*, 138 S.Ct. 2448 (2018), no sum shall be withheld from the earnings of any public employee for the purpose of paying any portion of dues, agency shop fees, or any other fees paid by members of a labor organization or public employees who are nonmembers except upon the annual informed written or electronic authorization of the member or nonmember received by the public body. The public body shall require clear and compelling evidence that such authorization has been freely given by a public employee. Submission of the form described in subsection 3 of this section shall constitute clear and compelling evidence that authorization has been freely given.

3. The authorization referred to in subsection 2 of this section shall be made on the following form, the sole purpose of which is the documentation of such authorization. The form’s title shall read, in at least twenty-four point bold type, “Consent for Withholding Union Dues/Fees”, and shall state in at least fourteen-point bold type, the following specific text:

“I (print name), member of (bargaining unit) authorize the amount of \$..... to be withheld from my monthly earnings and allocated to ... (union) as a portion of my succeeding dues, agency shop fees, or other fee payments. I understand that under federal and state law I am not obligated to sign this authorization. I understand that my signature below is completely voluntary and cannot in any way affect my employment. I understand that as a public employee, I have a First Amendment right to refrain from joining or paying dues or fees to a labor union. I understand that by signing this form I am hereby waiving my right to refrain from membership and dues payment to ... (union). I understand that I may revoke this authorization at any time by providing notice to ... (public body).”

4. No labor organization shall use or obtain any portion of dues, agency shop fees, or any other fees paid by members of the labor organization or public employees who are nonmembers to make contributions, as defined in section 130.011, or expenditures, as defined in section 130.011, except with the informed written or electronic authorization of such member or nonmember received within the previous twelve months by the public body. The public body, pursuant to federal law enunciated by the United States Supreme Court in *Janus v. American Federation of State, County and Municipal Employees, Council 31*, 138 S.Ct. 2448 (2018), shall require clear and compelling evidence that such authorization has been freely given by a public employee. Submission of the form described in subsection 5 of this section shall constitute clear and compelling evidence that authorization has been freely given.

5. The authorization referred to in subsection 4 of this section shall be made on the following form, the sole purpose of which is the documentation of such authorization. The form’s title shall read, in at least twenty-four point bold type, “Consent for Political Use of Dues/Fees”, and shall state in at least fourteen-point bold type, the following specific text:

“I (print name), member of ... (bargaining unit), authorize ... (union) to use the following amounts of each of my dues or agency shop fee payments for the following political purposes:

- ☐ **The amount of \$..... from each of my dues or agency shop fee payments as a political contribution or expenditure.**
- ☐ **The amount of \$..... from each of my dues or agency shop fee payments as a political contribution to a continuing committee formed by (union).**

Check applicable box.

I understand that under federal and state law I am not obligated to sign this authorization. I understand that my signature below is completely voluntary and cannot in any way affect my employment. I understand that under federal and state law as a public employee, I have a First Amendment right, enunciated by the United States Supreme Court in *Janus v. American Federation of State, County and Municipal Employees, Council 31*, 138 S. Ct. 2448 (2018), to refrain from supporting a union. I understand that by signing this form I am hereby waiving

my right to refrain from supporting the political activities of ... (union). I understand that I may revoke this authorization at any time by providing notice to ... (public body).”

6. Public employees who do not authorize contributions or expenditures under this section shall not have their dues, agency shop fees, or other fees increased in lieu of payments for contributions or expenditures.

7. The requirements of this section shall not be waived by any member or nonmember of a labor organization, and waiver of the requirements shall not be made a condition of employment or continued employment.

8. Signing or refraining from signing any authorization under this section shall not be made a condition of employment or continued employment.

9. Any authorization submitted under this section by a public employee may be revoked by such public employee at any time, with such revocation to take effect at the beginning of any succeeding pay period.

10. The department shall assess a fine of no more than five hundred dollars per violation to any public body that fails to comply with the provisions of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

Senator Beck raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Onder, **SA 1** was withdrawn, rendering the point of order moot.

Senator Hough moved for **SS** for **SB 45** be adopted, which motion prevailed.

On motion of Senator Hough, **SS** for **SB 45** was declared perfected and ordered printed.

On motion of Senator Rowden, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bernskoetter.

SENATE BILLS FOR PERFECTION

Senator Cierpiot moved that **SB 202**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 202

An Act to repeal section 400.9-109, RSMo, and to enact in lieu thereof five new sections relating to electrical corporations.

Was taken up.

Senator Cierpiot moved that **SCS** for **SB 202** be adopted.

Senator Cierpiot offered **SS** for **SCS** for **SB 202**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 202

An Act to repeal sections 386.370, 393.106, 394.120, and 400.9-109, RSMo, and to enact in lieu thereof eight new sections relating to electrical corporations.

Senator Cierpiot moved that **SS** for **SCS** for **SB 202** be adopted.

Pursuant to Senate Rule 91, Senator Hegeman excused himself from voting on the adoption of **SS** for **SCS** for **SB 202**.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 202, Page 1, In the Title, Line 4, by inserting after “to” the following: “financing for”; and

Further amend said bill, pages 1-3, section 386.370, by striking all of said section from the bill; and

Further amend said bill, pages 3-6, section 393.106, by striking all of said section from the bill; and

Further amend said bill, pages 6-7, section 393.1620, by striking all of said section from the bill; and

Further amend said bill, pages 7-40, section 393.1700, by striking all of said section from the bill; and

Further amend said bill, pages 40-48, section 393.1705, by striking all of said section from the bill; and

Further amend said bill, pages 48-52, section 393.1715, by striking all of said section from the bill; and

Further amend said bill, pages 52-54, section 394.120, by striking all of said section from the bill; and

Further amend said bill, pages 54-57, section 400.9-109, by striking all of said section from the bill; and inserting in lieu thereof the following:

“386.900. Sections 386.900 to 386.985 shall be known and cited as the “Missouri Electricity Bill Reduction Assistance Act” or “MO-EBRA”.

386.910. As used in sections 386.900 to 386.985, the following terms shall mean:

(1) **“Ancillary agreement”, any bond, insurance policy, letter of credit, reserve account, surety bond, interest rate lock or swap arrangement, hedging arrangement, liquidity or credit support arrangement, or other financial arrangement entered into in connection with MO-EBRA bonds that is designed to promote the credit quality and marketability of the MO-EBRA bonds or to mitigate the risk of an increase in interest rates;**

(2) **“Assignee”, any person to which an interest in MO-EBRA property is sold, assigned, transferred, or conveyed, other than as security, and any successor to or subsequent assignee of such person;**

(3) **“Bondholder”, any holder or owner of MO-EBRA bonds;**

(4) **“Commission”, the Missouri public service commission;**

(5) **“Customer”, a person who takes electric distribution or electric transmission service from an electrical corporation for consumption of electricity in the state;**

(6) **“Financing costs”, if approved by the commission in a financing order, costs to issue, service,**

repay, or refinance MO-EBRA bonds, whether incurred or paid upon issuance of the MO-EBRA bonds or over the life of the MO-EBRA bonds, and includes:

- (a) Principal, interest, and redemption premiums that are payable on MO-EBRA bonds;
- (b) Any payment required under an ancillary agreement and any amount required to fund or replenish a reserve account or other accounts established under the terms of any indenture, ancillary agreement, or other financing document pertaining to MO-EBRA bonds;
- (c) Any other demonstrable costs related to issuing, supporting, repaying, refunding, and servicing MO-EBRA bonds including, but not limited to, servicing fees, accounting and auditing fees, trustee fees, legal fees, consulting fees, financial advisor fees, administrative fees, placement and underwriting fees, capitalized interest, rating agency fees, stock exchange listing and compliance fees, security registration fees, filing fees, information technology programming costs, and any other demonstrable costs necessary to otherwise ensure and guarantee the timely payment of MO-EBRA bonds or other amounts or charges payable in connection with MO-EBRA bonds;
- (d) Any taxes and license fees imposed on the revenue generated from the collection of MO-EBRA charges;
- (e) Any state and local taxes including franchise, sales and use, and other taxes or similar charges including, but not limited to, regulatory assessment fees, whether paid, payable, or accrued; and
- (f) Any costs incurred by the commission to hire and compensate additional temporary staff needed to perform its responsibilities under sections 386.900 to 386.985 and engage specialized counsel and expert consultants experienced in securitized electrical corporation ratepayer-backed bond financing similar to MO-EBRA bonds;
- (7) “Financing order”, an order of the commission that approves, in whole or in part, an application filed under section 386.915 and that authorizes the issuance of MO-EBRA bonds in one or more series; the imposition, charging, and collection of MO-EBRA charges; and the creation of MO-EBRA property. In a financing order, the commission may include any conditions that are necessary to promote the public interest and may grant relief that is different from that which was requested in the application so long as the relief is within the scope of the matters addressed in the commission’s notice of the application;
- (8) “Financing party”, holders of MO-EBRA bonds and trustees, collateral agents, any party under an ancillary agreement, or any other person acting for the benefit of holders of MO-EBRA bonds;
- (9) “Least-cost generation resource”, an incremental supply-side or demand-side resource that, when included in an electrical corporation’s generation portfolio, produces the lowest cost among alternative resources, considering both short-term and long-term costs and assessing the likelihood of changes in future fuel prices and future environmental requirements, among other considerations;
- (10) “Lowest cost objective”, the structuring, marketing, and pricing of MO-EBRA bonds that results in the lowest MO-EBRA charges consistent with prevailing market conditions on or about the time of pricing MO-EBRA bonds, and the structure and terms of MO-EBRA bonds approved under the financial order;
- (11) “MO-EBRA”, Missouri electricity bill reduction assistance;
- (12) “MO-EBRA bonds”, low-cost corporate securities, such as senior secured bonds, debentures,

notes, certificates of participation, certificates of beneficial interest, certificates of ownership, or other evidences of indebtedness or ownership that have a scheduled maturity of no longer than thirty years and a final legal maturity date that is no later than thirty-two years from the issue date, that are rated AA or AA2 or better by a major independent credit rating agency at the time of issuance, and that are issued by an electrical corporation or an assignee under a financing order, the proceeds of which are used to recover, finance, or refinance commission-approved MO-EBRA costs and financing costs, including assistance to affected workers and communities, and that are secured by or payable from MO-EBRA property. If certificates of participation or ownership are issued, references in sections 386.900 to 386.980 to “principal”, “interest”, or “premium” refer to comparable amounts under such certificates;

(13) “MO-EBRA charges”, charges in amounts determined appropriate by the commission and authorized by the commission in a financing order to provide a source of revenue solely to repay, finance, or refinance MO-EBRA costs and financing costs that are imposed on, and are a part of, all customer bills and are collected in full by the electrical corporation to which the financing order applies, by the electrical corporation’s successors or assignees, or by a collection agent through a non-bypassable charge that is separate and apart from the electrical corporation’s base rates;

(14) “MO-EBRA costs”:

(a) The pretax costs that the electrical corporation has incurred, or will incur, that are caused by, associated with, or remain as a result of the retirement of an electric generating facility located in the state;

(b) The pretax costs that the electrical corporation has incurred or will incur in constructing or acquiring facilities and services, including least-cost generation resources and other supply-side and demand-side resources;

(c) Any reasonable and necessary administrative and operating costs as required by a financing order; and

(d) Do not include any monetary penalty, fine, or forfeiture assessed against an electrical corporation by a government agency or court under a federal or state environmental statute, rule, or regulation;

(15) “MO-EBRA property”:

(a) All rights and interests of an electrical corporation, or successor or assignee of an electrical corporation, under a financing order for the right to impose, bill, collect, and receive MO-EBRA charges as it is authorized to do so solely under the financing order, and to obtain periodic adjustments to such MO-EBRA charges as provided in the financing order; and

(b) All revenue, collections, claims, rights to payment, payments, moneys, or proceeds arising from the rights and interests, regardless of whether such revenue, collections, claims, rights to payment, payments, moneys, or proceeds are imposed, billed, received, collected, or maintained together with or commingled with other revenue, collections, rights to payment, payments, moneys, or proceeds;

(16) “MO-EBRA revenue”, all revenue, receipts, collections, payments, moneys, claims, or other proceeds arising from MO-EBRA property;

(17) “Non-bypassable”, the payment of MO-EBRA charges required to repay bonds and related costs that shall not be avoided by any existing or future customer located within an electrical corporation’s certificated service territory, but shall be paid by:

(a) All existing and future customers receiving transmission or distribution service from the electrical corporation or its successors or assignees under commission-approved rate schedules or under special contracts, even if a customer is in the future allowed and elects to purchase electricity from an electric supplier other than the electrical corporation; and

(b) Any person located within the electrical corporation’s certificated service territory that may subsequently receive electric transmission or distribution service from another electric utility operating in the same service territory;

(18) “Pretax costs”, include, but are not limited to, the unrecovered capitalized cost of a retired electric generating facility, costs of de-commissioning and restoring the site of the electric generating facility, and other applicable capital and operating costs, accrued carrying charges, deferred expenses, reductions for applicable insurance and salvage proceeds, and the costs of retiring any existing indebtedness, fees, costs, and expenses to modify existing debt agreements or for waivers or consents related to existing debt agreements. Pretax costs include only those costs and expenses approved by the commission;

(19) “Successor”, with respect to any legal entity, another legal entity that succeeds by operation of law to the rights and obligations of the first legal entity under any bankruptcy, reorganization, restructuring, other insolvency proceeding, merger, acquisition, consolidation, or sale or transfer of assets, whether any of these occur due to a restructuring of the electric power industry or otherwise.

386.915. 1. An electrical corporation may apply to the commission for a financing order. In the application, an electrical corporation may request approval to issue MO-EBRA bonds in one or more series; impose, charge, and collect MO-EBRA charges; and create MO-EBRA property related to the retirement of an electric generating facility in Missouri that has previously been approved by the commission. The commission shall take final action to approve, deny, or modify any application for a financing order as described in subsection 2 of this section in a final order issued in accordance with the commission’s rules for addressing applications.

2. In addition to any other information required by the commission, an application for a financing order shall include the following information:

(1) An estimated schedule for the retirement of any facility, the costs of which are to be financed by the MO-EBRA bond financing;

(2) A proposed methodology for allocating MO-EBRA charges among customer classes;

(3) A description of the non-bypassable MO-EBRA charges required to be paid by customers within the electrical corporation’s certificated service territory for recovery of MO-EBRA costs;

(4) An estimate of the net present value of electrical corporation customer savings expected to result if the financing order is issued as determined by a net present value comparison between the costs to customers that are expected to result from the financing with MO-EBRA bonds and the costs that would result from the application of traditional electrical corporation financing mechanisms for

the same purposes; and

(5) One or more alternative financing scenarios in addition to the preferred scenario contained in the application.

386.920. 1. Following notice and a hearing on an application for a financing order as required by the commission's rules, practices, and procedures, the commission may issue a financing order if the commission finds that:

(1) The MO-EBRA costs described in the application are reasonable;

(2) The proposed issuance of MO-EBRA bonds and the imposition and collection of MO-EBRA charges:

(a) Are just and reasonable;

(b) Are consistent with the public interest; and

(c) Constitute a prudent and reasonable mechanism for the financing MO-EBRA costs described in the financing order application; and

(3) The proposed structuring, marketing, and pricing of the MO-EBRA bonds are reasonably expected to:

(a) Lower net present value costs to customers or mitigate rate impacts to customers relative to traditional methods of financing; and

(b) Achieve the maximum net present value customer savings over the specified amortization of MO-EBRA bonds, as determined by the commission in a financing order, consistent with market conditions at the time of sale and the terms of the financing order.

2. The financing order shall:

(1) Determine the maximum amount of MO-EBRA costs that may be financed from proceeds of MO-EBRA bonds authorized to be issued by the financing order;

(2) To the extent an application requests financing as a result of the retirement of an electric generating facility located in the state provide that an amount of MO-EBRA bond proceeds, up to fifteen percent of the net present value of electrical corporation customer savings estimated be provided by the electrical corporation to which the financing order applies, shall be used for providing any reasonable and necessary administrative and operating costs;

(3) Describe the proposed customer billing mechanism for MO-EBRA charges and include a finding that the mechanism is just and reasonable;

(4) Describe the financing costs that may be recovered through MO-EBRA charges and the period over which the costs may be recovered, which shall end no earlier than the date of final legal maturity of the MO-EBRA bonds;

(5) Describe the MO-EBRA property that is created and that may be used to pay, and secure the payment of, the MO-EBRA bonds and financing costs authorized in the financing order;

(6) Authorize the electrical corporation to finance MO-EBRA costs through the issuance of one

or more series of MO-EBRA bonds, provided that an electrical corporation shall not be required to secure a separate financing order for each issuance of MO-EBRA bonds or for each scheduled phase of the previously approved retirement of electric generating facilities approved in the financing order;

(7) Include a mechanism for making expeditious periodic adjustments in the MO-EBRA charges that customers are required to pay under the financing order and for making any adjustments that are necessary to correct for any over- or under-collection of the MO-EBRA charges in past periods, or otherwise to guarantee the timely payment of MO-EBRA bonds and financing costs and other required amounts and charges payable in connection with MO-EBRA bonds;

(8) Include any additional findings or conclusions deemed appropriate by the commission, including those deemed appropriate to achieve the lowest cost objective;

(9) Specify the degree of flexibility afforded to the electrical corporation in establishing the terms and conditions of the MO-EBRA bonds including, but not limited to, repayment schedules, expected interest rates, and other financing costs; provided that the scheduled final maturity of the MO-EBRA bonds shall be the earlier of:

(a) Thirty years from the issue date of the MO-EBRA bonds; or

(b) As late as possible, consistent with obtaining triple A ratings on the MO-EBRA bonds while concurrently ensuring that the lowest cost objective is achieved for the MO-EBRA bonds;

(10) Specify the timing of actions required by the order so that:

(a) The MO-EBRA bonds are issued as soon as feasible following the issuance of the financing order, independent of the schedule of closing and decommissioning of any electric generating facility;

(b) Any energy assistance funds are made available as soon as feasible; and

(c) The electrical corporation files to adjust its rates as required in subsection 4 of this section simultaneously with the inception of the MO-EBRA charges and independently of the schedule of closing and decommissioning of any electric generating facility; and

(11) Specify a future ratemaking process to reconcile any difference between the projected pretax costs included in the amount financed by MO-EBRA bonds and the final actual MO-EBRA costs approved by the financing order. The reconciliation may affect the electrical corporation's base rates or any rider adopted under subsection 4 of this section but shall not affect the amount of the MO-EBRA bonds or the associated MO-EBRA charges to be paid by customers.

3. A financing order shall permit, and may require, the creation of an electrical corporation's MO-EBRA property under subdivision (5) of subsection 2 of this section to be conditioned upon, and simultaneous with, the sale or other transfer of the MO-EBRA property to an assignee and the pledge of the MO-EBRA property to secure MO-EBRA bonds.

4. A financing order shall require the electrical corporation, simultaneously with the imposition of MO-EBRA charges, to reduce its rates through a reduction in base rates or by a negative rider on customer bills in an amount equal to the revenue requirement associated with the electrical corporation's assets being financed by MO-EBRA bonds.

386.925. 1. A financing order shall remain in effect until the MO-EBRA bonds issued, as authorized by the financing order, have been paid in full and all financing costs relating to the MO-

EBRA bonds have been paid in full. A financing order shall also remain in effect and unabated notwithstanding the bankruptcy, reorganization, or insolvency of the electrical corporation to which the financing order applies or any affiliate of the electrical corporation or successor or assignee. A financing order shall be irrevocable, and the commission shall not reduce, impair, postpone, or terminate MO-EBRA charges approved in a financing order or impair MO-EBRA property or the collection or recovery of MO-EBRA revenue.

2. Notwithstanding subsection 1 of this section, upon its own motion or at the request of an electrical corporation or any other person, the commission may commence a proceeding and issue a subsequent financing order that provides for refinancing, retiring, or refunding MO-EBRA bonds issued under the original financing order if:

(1) The commission determines that the subsequent financing order meets the same criteria as specified in the original financing order under subsection 2 of section 386.920; and

(2) The modification provided for in the subsequent financing order does not impair in any way the covenants and terms of the MO-EBRA bonds to be refinanced, retired, or refunded.

386.930. 1. Except as otherwise provided in subsection 2 of this section, if the commission, in exercising its powers and carrying out its duties, issues a financing order to an electrical corporation the commission shall not:

(1) Consider the MO-EBRA bonds issued under the financing order to be debt of the electrical corporation, other than for income tax purposes, unless it is necessary to consider the MO-EBRA bonds to be such debt to achieve consistency with prevailing utility debt rating methodologies;

(2) Consider the MO-EBRA charges paid under the financing order to be revenue of the electrical corporation;

(3) Consider the MO-EBRA costs or financing costs specified in the financing order to be the regulated costs or assets of the electrical corporation; or

(4) Determine any prudent action taken by an electrical corporation that is consistent with the financing order to be unjust or unreasonable.

2. Nothing in subsection 1 of this section shall:

(1) Affect the authority of the commission to apply or modify any billing mechanism designed to recover MO-EBRA charges;

(2) Prevent or preclude the commission from investigating the compliance of an electrical corporation with the terms and conditions of a financing order and requiring compliance with the financing order; or

(3) Prevent or preclude the commission from imposing regulatory sanctions against an electrical corporation for failure to comply with the terms and conditions of a financing order or the requirements of sections 386.900 to 386.980.

3. The commission shall not refuse to allow the recovery of any costs associated with the retirement of electric generating facilities by an electrical corporation solely because the electrical corporation has elected to finance those activities through a financing mechanism other than MO-EBRA bonds.

386.935. 1. In addition to any other power and duties of the commission:

- (1) The commission shall have the duty to perform, and authority required to perform, comprehensive due diligence in its evaluation of an application for a financing order and shall have the duty and authority to oversee the process used to structure, market, and price MO-EBRA bonds;**
- (2) The commission may attach such conditions to the approval of a financing order as the commission deems appropriate to maximize the financial benefits or minimize the financial risks of the transaction to customers and to directly-impacted Missouri communities;**
- (3) The commission may specify details of the process used to structure, market, and price MO-EBRA bonds, including the selection of the underwriter or underwriters;**
- (4) The commission shall review and determine the reasonableness of all proposed up-front and ongoing financing costs; and**
- (5) The commission shall ensure that the structuring, marketing, and pricing of MO-EBRA bonds maximizes net present value customer savings, consistent with market conditions and the terms of the financing order.**

2. Within one hundred twenty days after the issuance of MO-EBRA bonds, the applicant electrical corporation shall file with the commission information regarding the actual up-front and ongoing financing costs of the MO-EBRA bonds. The commission shall review the prudence of the electrical corporation's action to determine whether the financing costs resulted in the lowest overall costs that were reasonably consistent with both market conditions at the time of the sale of the MO-EBRA bonds and the terms of the financing order. If the commission determines that the electrical corporation's actions were not prudent, were not designed to result in the lowest overall costs that were reasonably consistent with both market conditions at the time of the sale of the MO-EBRA bonds and the terms of the financing order, or were inconsistent with the financing order, the commission may apply any remedies that are available to it; except that the commission shall not apply any remedy that has the effect, directly or indirectly, of impairing the security for the MO-EBRA bonds.

3. In performing its responsibilities under this section, the commission shall engage outside financial advisors, counsel, and other consultants with substantial experience representing regulatory bodies in securitized investor-owned electrical corporation ratepayer-backed bond financing similar to MO-EBRA bonds. The expenses associated with such engagement shall be included as financing costs and included in MO-EBRA charges, shall not be an obligation of the state, and shall be assigned solely to the transaction. In addition, expenses incurred by the commission to hire and compensate additional temporary staff needed to perform such responsibilities shall be included as financing costs and included in MO-EBRA charges.

4. If an electrical corporation's application for a financing order is denied or withdrawn, or for any reason MO-EBRA bonds are not issued, the commission's costs of retaining expert consultants and counsel, as authorized by subsection 3 of this section, shall be paid by the electrical corporation and shall be considered by the commission as a prudent deferred expense for recovery in the electrical corporation's future rates.

386.940. A financing order is a final order of the commission. Notwithstanding the provisions of

any other section of law specifying proper venue for petition filings, a party aggrieved by the issuance of a financing order may petition for suspension and review of the financing order only in the court of appeals with jurisdiction coextensive to the commission's location.

386.945. 1. The electric bills of customers of an electrical corporation that has obtained a financing order and issued MO-EBRA bonds shall:

(1) Explicitly reflect that a portion of the charges on the bill represents MO-EBRA charges approved in a financing order issued to the electrical corporation and, if the MO-EBRA property has been transferred to an assignee or successor, shall include a statement that the assignee or successor is the owner of the rights to MO-EBRA charges and that the electrical corporation or other entity, if applicable, is acting as a collection agent or servicer for the assignee or successor;

(2) Include the MO-EBRA charges on each customer's bill as a separate line item titled "energy bill reduction assistance charge" and may include both the rate and the amount of the charge on each bill; however, the failure of an electrical corporation to comply with this requirement shall not invalidate, impair, or affect any financing order, MO-EBRA property, MO-EBRA charges, or MO-EBRA bonds, but shall subject the electrical corporation to penalties under applicable commission rules; and

(3) Explain to customers, in an annual filing with the commission, the rate impact that financing the retirement of electric generating facilities and making capital investment for facilities and services, including least-cost electric generating facilities and other supply-side and demand-side resources, has had on customer rates.

2. An electrical corporation that has obtained a financing order and caused MO-EBRA bonds to be issued shall demonstrate in an annual filing with the commission that MO-EBRA revenues have been applied solely to the repayment of MO-EBRA bonds and other financing costs.

386.950. 1. MO-EBRA property that is described in a financing order shall constitute an existing present property right or interest even though the imposition and collection of MO-EBRA charges depends on the electrical corporation to which the financing order is issued performing its servicing functions relating to the collection of MO-EBRA charges and on future electricity consumption. The property right or interest exists regardless of whether the revenues or proceeds arising from the MO-EBRA property have been billed, have accrued, or have been collected and notwithstanding the fact that the value or amount of the property right or interest is dependent on the future provision of service to customers by the electrical corporation or a successor or assignee of the electrical corporation.

2. MO-EBRA property described in a financing order shall exist until all MO-EBRA bonds issued under the financing order are paid in full and all financing costs and other costs of the MO-EBRA bonds have been recovered in full.

3. All or any portion of MO-EBRA property described in a financing order issued to an electrical corporation may be transferred, sold, conveyed, or assigned to a successor or assignee that is wholly owned, directly or indirectly, by the electrical corporation and is created for the limited purpose of acquiring, owning, or administering MO-EBRA property or issuing MO-EBRA bonds as authorized by the financing order. All or any portion of MO-EBRA property may be pledged to secure MO-EBRA bonds issued under a financing order, amounts payable to financing parties and to

counterparties under any ancillary agreements, and other financing costs. Each transfer, sale, conveyance, assignment, or pledge by an electrical corporation, or an affiliate of an electrical corporation, is a transaction in the ordinary course of business.

4. If an electrical corporation defaults on any required remittance of charges arising from MO-EBRA property described in a financing order, a court, upon application by an interested party and without limiting any other remedies available to the applying party, shall order the sequestration and payment of the revenues arising from the MO-EBRA property to the financing parties. Any financing order shall remain in full force and effect notwithstanding any reorganization, bankruptcy, or other insolvency proceedings with respect to the electrical corporation or its successors or assignees.

5. The interest of a transferee, purchaser, acquirer, assignee, or pledgee in MO-EBRA property specified in a financing order issued to an electrical corporation, and in the revenue and collections arising from that property, is not subject to setoff, counterclaim, surcharge, or defense by the electrical corporation or any other person or in connection with the reorganization, bankruptcy, or other insolvency of the electrical corporation or any other entity.

6. A successor to an electrical corporation, whether pursuant to any reorganization, bankruptcy, or other insolvency proceeding or whether pursuant to any merger or acquisition, sale, other business combination, or transfer by operation of law, as a result of electrical corporation restructuring or otherwise, shall perform and satisfy all obligations of, and have the same duties and rights under a financing order as, the electrical corporation to which the financing order applies, and shall perform the duties and exercise the rights in the same manner and to the same extent as the electrical corporation, including collecting and paying to any person entitled to receive the revenues, collections, payments, or proceeds of MO-EBRA property described in the financing order.

386.955. 1. Banks, trust companies, savings and loan associations, insurance companies, executors, administrators, guardians, trustees, and other fiduciaries may legally invest any moneys within their control in MO-EBRA bonds. Political subdivisions may invest public funds in MO-EBRA bonds. Within the maturity parameters established for the investment of state funds by the state treasurer's office, MO-EBRA bonds are eligible for investment of state moneys.

2. MO-EBRA bonds issued under a financing order are not debt of, or a pledge of, the faith and credit or taxing power of the state; any agency of the state; or any county, municipality, or other political subdivision of the state. Holders of MO-EBRA bonds have no right to have taxes levied by the state or by any county, municipality, or other political subdivision of the state for the payment of the principal or interest on MO-EBRA bonds. The issuance of MO-EBRA bonds shall not directly, indirectly, or contingently obligate the state, or a political subdivision of the state, to levy any tax or make any appropriation for payment of principal or interest on the MO-EBRA bonds.

3. The state, or any political subdivision thereof, shall not:

(1) Take or permit any action that impairs the value of MO-EBRA property; or

(2) Reduce, alter, or impair MO-EBRA charges that are imposed, collected, and remitted for the benefit of holders of MO-EBRA bonds, any assignee or successor, and any financing parties, until any principal, interest, and redemption premium payable on MO-EBRA bonds, all financing costs, and all amounts to be paid to an assignee, a successor, or financing party under an ancillary agreement are paid in full.

4. There shall be no local or state taxes imposed on interest income earned by holders of MO-EBRA bonds.

386.960. An assignee or financing party that is not regulated by the commission shall not become subject to commission regulation solely as a result of engaging in any transaction authorized by or described in sections 386.900 to 386.985.

386.965. 1. If any provision of sections 386.900 to 386.985 conflicts with any other law regarding the attachment, assignment, perfection, effect of perfection, or priority of any security interest in or transfer of MO-EBRA property, sections 386.900 to 386.985 shall govern.

2. Effective on the date that MO-EBRA bonds are first issued, if any provision of sections 386.900 to 386.985 is held to be invalid or is invalidated, such invalidation shall not affect any action allowed under sections 386.900 to 386.985 that was lawfully taken by the commission, an electrical corporation, an assignee, a collection agent, a financing party, a bondholder, or a party to an ancillary agreement before the occurrence, and any such action remains in full force and effect.

3. Nothing in sections 386.900 to 386.985 precludes an electrical corporation for which the commission has initially issued a financing order from applying to the commission for:

(1) A subsequent financing order amending an existing financing order; or

(2) An order approving the issuance of MO-EBRA bonds to refund all or a portion of an outstanding series of MO-EBRA bonds.

386.970. All of the following apply to any security interest in a MO-EBRA property to secure the repayment of the principal and interest on MO-EBRA bonds, amounts payable under any ancillary agreement, and other financing costs:

(1) The description or indication of MO-EBRA property in a transfer or security agreement and a financing statement is sufficient only if the description or indication refers to sections 386.900 to 386.985 and the financing order creating the MO-EBRA property;

(2) A security interest in MO-EBRA property is created, valid, and binding as soon as all of the following events have occurred:

(a) The financing order that describes the MO-EBRA property is issued;

(b) A security agreement is executed and delivered; and

(c) Value is received for the MO-EBRA bonds;

(3) Once a security interest in MO-EBRA property is created under subdivision (2) of this subsection, the security interest attaches without any physical delivery of collateral or any other act. The lien of the security interest is valid, binding, and perfected against all parties having claims of any kind in tort, contract, or otherwise against the person granting the security interest, regardless of whether such parties have notice of the lien, but only upon the filing of a financing statement with the commission. The commission shall maintain a financing statement filed under this subdivision;

(4) A security interest in MO-EBRA property is a continuously perfected security interest and shall have priority over any other lien, created by operation of law or otherwise, which may subsequently attach to the MO-EBRA property unless the holder of the security interest has agreed

in writing otherwise;

(5) An electrical corporation shall separate MO-EBRA property or revenue from other incoming moneys as soon as practicable. The electrical corporation shall avoid commingling of MO-EBRA and non-MO-EBRA moneys if possible. The priority of a security interest in MO-EBRA property shall not be affected by the commingling of MO-EBRA property or MO-EBRA revenue with other moneys. An assignee, bondholder, or financing party shall have a perfected security interest in the amount of all MO-EBRA property or MO-EBRA revenue that is pledged for the payment of MO-EBRA bonds, even if the MO-EBRA property or MO-EBRA revenue is deposited in a cash or deposit account of the electrical corporation in which the MO-EBRA revenue is commingled with other moneys, and any other security interest that applies to the other moneys does not apply to the MO-EBRA revenue; and

(6) Neither a subsequent order of the commission amending a financing order nor application of an adjustment mechanism shall affect the validity, perfection, or priority of a security interest in or transfer of MO-EBRA property.

386.975. 1. A sale, assignment, or transfer of MO-EBRA property is an absolute transfer and true sale of, and not a pledge of or secured transaction relating to, the seller's right, title, and interest in, to, and under the MO-EBRA property if the documents governing the transaction expressly state that the transaction is a sale or other absolute transfer. A transfer of an interest in MO-EBRA property may be created only when all of the following have occurred:

- (1) The financing order creating and describing the MO-EBRA property has become effective;
- (2) The documents evidencing the transfer of the MO-EBRA property have been executed and delivered to the assignee; and
- (3) Value has been received.

2. Upon the filing of a financing statement with the commission, a transfer of an interest in MO-EBRA property is perfected against all third persons, including any judicial lien or other lien creditors, or any claims of the seller or creditors of the seller, other than creditors holding a prior security interest, ownership interest, or assignment in the MO-EBRA property previously perfected.

3. The characterization of a sale, assignment, or transfer as an absolute transfer and true sale and the corresponding characterization of the property interest of the assignee shall not be affected or impaired by the existence or occurrence of any of the following:

- (1) Commingling of MO-EBRA revenue with other moneys;
- (2) The retention by the seller of a partial or residual interest, including an equity interest, in the MO-EBRA property, whether direct or indirect, or whether subordinate or otherwise; or the right to recover costs associated with taxes, franchise fees, or license fees imposed on the collection of MO-EBRA revenue;
- (3) Any indemnification rights, obligations, or repurchase rights made or provided by the seller;
- (4) An obligation of the seller to collect MO-EBRA revenues on behalf of an assignee;
- (5) The treatment of the sale, assignment, or transfer for tax, financial reporting, or other purposes;

(6) Any subsequent financing order amending a financing order; or

(7) Any application of an adjustment mechanism as authorized by subdivision (7) of subsection 2 of section 386.920.

386.980. 1. Subject to commission approval of an application under subsection 2 of this section, as provided in a financing order, an electrical corporation may expend or invest MO-EBRA bond proceeds in a manner that demonstrably benefits ratepayer interests as follows:

(1) To purchase power to replace electricity generated by the electric generating facilities that were retired if the commission determines that the purchased power is a least-cost generation resource and is consistent with the electrical corporation's approved integrated resource plan;

(2) To build and own generation facilities that are least-cost generation resources, the addition of which is not inconsistent with the electrical corporation's approved integrated resource plan;

(3) To build, own, or purchase electricity storage capacity to the extent that such investment is either required by law or rule or is needed to increase the amount of least-cost generation resources in the general portfolio of the electrical corporation;

(4) To help customers invest in energy efficiency, including financing assistance;

(5) To invest in network modernization to the extent that the modernization is necessary to increase the amount of least-cost generation resources able to be added to the electrical corporation's system; except that proceeds shall not be used for new transmission facilities; and

(6) To refinance any outstanding debt at a lower true interest cost in such a way that lowers customer rates.

2. In considering any application for approval of the use of MO-EBRA bond proceeds under subsection 1 of this section, the commission shall use its regular process for consideration of applications.

386.985. The commission shall have the authority to promulgate rules to implement the provisions of sections 386.900 to 386.980. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Cierpiot, **SB 202**, with SCS, SS for SCS and SA 1 (pending), was placed on the Informal Calendar.

President Kehoe assumed the Chair.

Senator Mosley moved that **SB 272**, with SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 272

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to prohibiting publishing of the names of lottery winners, with a penalty provision.

Was taken up.

Senator Mosley moved that **SCS for SB 272** be adopted, which motion prevailed.

On motion of Senator Mosley, **SCS for SB 272** was declared perfected and ordered printed.

Senator Bernskoetter moved that **SB 36**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Bernskoetter, **SS for SB 36** was withdrawn.

On motion of Senator Bernskoetter, **SB 36** was declared perfected and ordered printed.

Senator Beck moved that **SB 78** be taken up for perfection, which motion prevailed.

Senator Beck offered **SS for SB 78**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 78

An Act to repeal section 213.070, RSMo, and to enact in lieu thereof three new sections relating to state employees.

Senator Beck moved that **SS for SB 78** be adopted.

Senator Eslinger assumed the Chair.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 78, Page 3, Section 213.070, Line 43, by inserting after all of said line the following:

“285.075. 1. Notwithstanding any voluntary agreement entered into between the United States Department of Labor and a franchisee or a franchisor, neither a franchisee nor a franchisee’s employee shall be deemed to be an employee of the franchisor for any purpose, unless the franchisor exercises direct and immediate control over the hiring, termination, discipline, and direction of the franchisee’s employees.

2. For purposes of this section, the terms “franchisee” and “franchisor” shall have the same meaning as in 16 C.F.R. 436.1.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Beck, **SS** for **SB 78** was withdrawn, rendering **SA 1** moot.

President Kehoe assumed the Chair.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

Senator May offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 78, Page 1, Section 36.221, Line 5, by inserting after “Guard” the following: **“, who applies for the position, and”**.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 78, Page 1, Section 105.1204, Line 7, by inserting after all of said line the following:

“313.004. 1. There is hereby created the “Missouri Gaming Commission” consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission’s duties. The commission shall have authority to require investigations of any employee or applicant for employment as

deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.010, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general or any state, federal or local agency the commission deems necessary to carry out the duties of the commission. No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, the commission shall require excursion gambling boat

licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both, or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, **provided such termination of office or position in the case of an employee of the commission, the state highway patrol, or the state attorney general's office is either voluntary or is due to misconduct of such employee related to such employee's direct regulatory authority related to excursion gambling boats,** obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class E felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary

to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610 to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state.”; and

Further amend the title and enacting clause accordingly.

Senator Bernskoetter moved that the above amendment be adopted.

Senator Washington offered **SA 1 to SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Bill No. 78, Page 5, Section 313.004, Line 147, by inserting after “boats” the following: “**or any other aspect of the gaming industry**”.

Senator Washington moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger assumed the Chair.

Senator Bernskoetter moved that the **SA 2**, as amended, be adopted, which motion prevailed.

Senator Brattin offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 78, Page 1, Section 36.221, Line 4, by inserting after “who” the following: “**is an active duty or reserve member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States, or**”; and further amend said bill and page, section 105.1204, line 5, by inserting after “who” the following: “**is an active duty or reserve member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States, or**”.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 78, Page 1, Section A, Line 3, by inserting after all of said line the following:

“33.100. The salaries of all elective and appointive officers and employees of the state shall be paid out of the state treasury, in **biweekly**, semimonthly, or monthly installments as designated by the commissioner of administration. The accounts and names of the officers and employees shall be presented to the commissioner of administration and a warrant therefor upon the state treasury shall be issued to be paid out of the appropriation made for such purpose. The accounts of the officers and employees shall be stated in their names, respectively, and the correctness thereof shall be certified to by the officers, respectively, in whose employment they are.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Beck, **SB 78**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Moon moved that **SCR 6** be taken up for adoption, which motion prevailed.

On motion of Senator Moon, **SCR 6** was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Crawford	Eigel	Eslinger
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
Moon	O’Laughlin	Onder	Riddle	Rowden	Schatz
White	Wieland—20				

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—10		

Absent—Senators

Brown	Burlison	Cierpiot	Rehder—4
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Absent with leave—Senators—None

Vacancies—None

SCR 15, introduced by Senator Bernskoetter, entitled:

Relating to Scoliosis Awareness Month in Missouri.

Was taken up.

On motion Senator Bernskoetter, **SCR 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley
O’Laughlin	Onder	Razer	Riddle	Rizzo	Roberts
Rowden	Schatz	Washington	White	Wieland	Williams—30

NAYS—Senators—None

Absent—Senators

Brown	Cierpiot	Rehder	Schupp—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Bernskoetter, title to the concurrent resolution was agreed to.

Senator Bernskoetter moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Schatz moved that **SCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Schatz, **SCR 16** was adopted by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Riddle	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	May	Mosley	Razer	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senators

Brown	Rehder—2
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Absent with leave—Senators—None

Vacancies—None

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 349**; **HCS** for **HJR**s **20, 2, 9** and **27**; **HCS** for **HB**s **1083, 1085, 1050, 1035, 1036, 873** and **1097**; and **HCS** for **HB 59**, with **SCS**, to the Committee Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator May moved that **SB 323** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

President Kehoe assumed the Chair.

Senator Razer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 323, Page 1, In the Title, Line 3, by striking “the Bible”; and inserting in lieu thereof the following: “religious texts”; and

Further amend said bill and page, Section 170.341, Line 1, by striking the colon “:” from said line; and further amend lines 2-7, by striking said lines and inserting in lieu thereof the following: “**an elective social studies course on religious texts.**”; and further amend line 9, by striking “biblical”; and further amend lines 15-16, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**religious texts**”; and further amend lines 17-18, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**religious texts**”; and

Further amend said bill and section, Page 2, Lines 19-20, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**religious texts**”; and further amend lines 21-22, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**religious texts**”; and further amend lines 25-26, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**any religious texts**”; and further amend line 26, by striking “textbook” and inserting in lieu thereof the following: “**textbooks**”; and further amend line 27, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**religious texts**”; and further amend line 28, by striking “that” and inserting in lieu thereof the following: “**those**”.

Senator Razer moved that the above amendment be adopted, which motion failed.

Senator Razer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 323, Page 1, In the Title, Line 3, by striking “Bible”; and inserting in lieu thereof the following: “Book of Mormon”; and

Further amend said bill and page, Section 170.341, Line 1, by striking the colon “:” from said line; and further amend lines 2-7, by striking said lines and inserting in lieu thereof the following: “**an elective social studies course on the Book of Mormon.**”; and further amend line 9, by striking “biblical”; and further amend lines 15-16, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**the Book of Mormon**”; and further amend lines 17-18, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**the Book of Mormon**”; and

Further amend said bill and section, Page 2, Lines 19-20, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**the Book of Mormon**”; and further amend lines 21-22, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**the Book of Mormon**”; and further amend lines 25-26, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**the Book of Mormon**”; and further amend line 26, by striking “textbook” and inserting in lieu thereof the following: “**textbooks**”; and further amend line 27, by striking “the Hebrew Scriptures or New Testament” and inserting in lieu thereof the following: “**the Book of Mormon**”; and further amend line 28, by striking “that” and inserting in lieu thereof the following: “**those**”.

Senator Razer moved that the above amendment be adopted, which motion failed.

On motion of Senator May, **SB 323** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 272**, **SB 36** and **SS** for **SB 45**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Schatz assumed the Chair.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 273**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 263**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

REFERRALS

President Pro Tem Schatz referred SCS for **SB 272** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Bean assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SB 1** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS No. 2** for **SB 1**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 1

An Act to repeal sections 190.800, 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to MO HealthNet.

Senator Hegeman moved that **SS No. 2** for **SB 1** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 1, Page 4, Section 208.152, Line 69, by inserting after the word “elsewhere” the following: “, **provided, no funds shall be expended to any abortion facility, as defined in section 188.015, or any affiliate or associate thereof**”; and

Further amend said bill and section, page 18, line 519, by inserting after all of said line the following:

“208.153. 1. Pursuant to and not inconsistent with the provisions of sections 208.151 and 208.152, the MO HealthNet division shall by rule and regulation define the reasonable costs, manner, extent, quantity, quality, charges and fees of MO HealthNet benefits herein provided. The benefits available under these sections shall not replace those provided under other federal or state law or under other contractual or legal entitlements of the persons receiving them, and all persons shall be required to apply for and utilize all benefits available to them and to pursue all causes of action to which they are entitled. Any person entitled to MO HealthNet benefits may obtain it from any provider of services with which an agreement is in effect under this section and which undertakes to provide the services, as authorized by the MO HealthNet division, **provided, said provider shall not include any abortion facility, as defined in section 188.015, or any affiliate or associate thereof.** At the discretion of the director of the MO HealthNet division and

with the approval of the governor, the MO HealthNet division is authorized to provide medical benefits for participants receiving public assistance by expending funds for the payment of federal medical insurance premiums, coinsurance and deductibles pursuant to the provisions of Title XVIII B and XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), as amended.

2. MO HealthNet shall include benefit payments on behalf of qualified Medicare beneficiaries as defined in 42 U.S.C. Section 1396d(p). The family support division shall by rule and regulation establish which qualified Medicare beneficiaries are eligible. The MO HealthNet division shall define the premiums, deductible and coinsurance provided for in 42 U.S.C. Section 1396d(p) to be provided on behalf of the qualified Medicare beneficiaries.

3. MO HealthNet shall include benefit payments for Medicare Part A cost sharing as defined in clause (p)(3)(A)(i) of 42 U.S.C. 1396d on behalf of qualified disabled and working individuals as defined in subsection (s) of Section 42 U.S.C. 1396d as required by subsection (d) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The MO HealthNet division may impose a premium for such benefit payments as authorized by paragraph (d)(3) of Section 6408 of P.L. 101-239.

4. MO HealthNet shall include benefit payments for Medicare Part B cost sharing described in 42 U.S.C. Section 1396(d)(p)(3)(A)(ii) for individuals described in subsection 2 of this section, but for the fact that their income exceeds the income level established by the state under 42 U.S.C. Section 1396(d)(p)(2) but is less than one hundred and ten percent beginning January 1, 1993, and less than one hundred and twenty percent beginning January 1, 1995, of the official poverty line for a family of the size involved.

5. For an individual eligible for MO HealthNet under Title XIX of the Social Security Act, MO HealthNet shall include payment of enrollee premiums in a group health plan and all deductibles, coinsurance and other cost-sharing for items and services otherwise covered under the state Title XIX plan under Section 1906 of the federal Social Security Act and regulations established under the authority of Section 1906, as may be amended. Enrollment in a group health plan must be cost effective, as established by the Secretary of Health and Human Services, before enrollment in the group health plan is required. If all members of a family are not eligible for MO HealthNet and enrollment of the Title XIX eligible members in a group health plan is not possible unless all family members are enrolled, all premiums for noneligible members shall be treated as payment for MO HealthNet of eligible family members. Payment for noneligible family members must be cost effective, taking into account payment of all such premiums. Non-Title XIX eligible family members shall pay all deductible, coinsurance and other cost-sharing obligations. Each individual as a condition of eligibility for MO HealthNet benefits shall apply for enrollment in the group health plan.

6. Any Social Security cost-of-living increase at the beginning of any year shall be disregarded until the federal poverty level for such year is implemented.

7. If a MO HealthNet participant has paid the requested spenddown in cash for any month and subsequently pays an out-of-pocket valid medical expense for such month, such expense shall be allowed as a deduction to future required spenddown for up to three months from the date of such expense.”; and

Further amend said bill, page 25, Section B, lines 1-5, by striking all of said lines and inserting in lieu thereof the following:

“Section B. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate

all of the remaining provisions of this act.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Gannon, Moon, Rehder, and Wieland.

At the request of Senator Hegeman, **SB 1**, with **SS No. 2** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 78** and **SB 323** begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Eslinger offered Senate Resolution No. 313, regarding Rick and Bev Hamby, West Plains, which was adopted.

INTRODUCTION OF GUESTS

Senator Burlison introduced to the Senate, Julie Higgins, Lauryn Masters, Stefan Collette, Evan Masters, Andreas Moeller; and McCullen Andrews, Springfield.

Senator Schupp introduced to the Senate, Dr. Donna Jahnke; and Doctoral students from St. Louis University.

Senator Beck introduced to the Senate, Paula Hart, Chris Kruger, Chris Linneman, Eric Landwehr; and Martin Gugel.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY—WEDNESDAY, APRIL 21, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1069-Evans
HCS for HB 320
HCS for HB 137

HCS for HB 21
HB 570-Basye
HB 507-Rone

HCS for HB 66
 HCS for HB 402
 HCS for HB 475
 HCS for HB 589
 HCS for HB 825
 HB 177-Ellebracht
 HCS for HB 27
 HCS for HB 1030
 HB 261-Black (37)
 HB 313-Bromley
 HCS for HB 689
 HCS for HB 29

HCS for HB 553
 HCS for HB 556
 HB 317-Toalson Reisch
 HCS for HB 307
 HCS for HB 944
 HCS for HB 162
 HCS for HBs 848, 617 & 822
 HB 500-Schroer
 HCS for HBs 165 & 196
 HB 1070-Hudson
 HCS for HB 649

THIRD READING OF SENATE BILLS

SCS for SB 272-Mosley (In Fiscal Oversight)
 SB 36-Bernskoetter
 SS for SB 45-Hough

SB 78-Beck
 SB 323-May

SENATE BILLS FOR PERFECTION

SB 265-Eslinger
 SB 231-Burlison

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 349 (Koenig)
(In Fiscal Oversight)
2. HCS for HJR 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight)
3. HB 333-Simmons (Onder)
4. HCS for HB 271, with SCS (Crawford)
5. HB 850-Wiemann (Onder)
6. HB 476-Grier (Bernskoetter)
7. HCS#2 for HB 75 (Onder)

8. HCS for HB 362, with SCS (Wieland)
9. HB 657-Trent, with SCS (Wieland)
10. HCS for HBs 1083, 1085, 1050, 1035, 1036,
873 & 1097 (Bernskoetter)
(In Fiscal Oversight)
11. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight)
12. HCS for HB 15, with SCS (Hegeman)
13. HB 273-Hannegan, with SCS (Riddle)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)	SB 182-O'Laughlin
SB 3-Hegeman	SB 183-O'Laughlin
SB 7-Riddle, with SS & SA 1 (pending)	SB 184-Bean, with SCS
SB 10-Schatz, with SS (pending)	SB 195-Koenig
SB 11-Schatz, with SS & SA 1 (pending)	SB 198-Eigel, with SCS
SB 24-Eigel, with SS#2 (pending)	SB 202-Cierpiot, with SCS, SS for SCS & SA 1 (pending)
SB 30-Cierpiot	SB 204-Cierpiot, with SCS
SB 39-Burlison and Brattin	SB 206-Arthur
SB 47-Hough	SB 218-Luetkemeyer, with SCS
SB 54-O'Laughlin, with SCS	SB 227-Arthur
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)	SB 236-Hough, with SCS
SB 62-Williams, with SCS	SB 244-Onder
SB 65-Rehder, with SCS	SB 253-Hegeman
SB 74-Bean, with SCS	SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)
SB 92-Riddle, with SCS	SB 255-Riddle
SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 282-Hegeman, with SCS
SB 95-Onder, with SCS	SB 287-Crawford
SB 96-Hoskins, with SCS	SB 291-Brown
SB 98-Hoskins, with SCS	SB 295-Crawford, with SCS
SB 100-Koenig, with SCS	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 105-Crawford, with SCS	SB 306-Bernskoetter, with SCS
SB 114-Bernskoetter	SB 313-Eigel
SB 123-Hough, with SS & SA 2 (pending)	SB 316-Hough
SB 131-Luetkemeyer	SB 317-May
SB 132-O'Laughlin, with SCS	SB 318-May, with SCS
SB 134-O'Laughlin and Cierpiot	SB 334-Bernskoetter
SB 137-Brattin	SB 343-Brown
SB 138-Brattin, with SCS	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 139-Bean	SB 360-Wieland, with SCS
SB 149-Onder	SB 361-Wieland
SB 163-Cierpiot	SB 369-White
SB 168-Burlison	SB 370-Brown
SB 169-Burlison	SB 372-Riddle
SB 174-Hough, with SCS	
SB 179-Luetkemeyer	

SB 375-Eigel	SB 481-Hough, et al
SB 383-Moon	SB 506-BeanSB 529-Cierpiot
SB 390-Luetkemeyer	SB 547-Hoskins, with SCS
SB 399-Eigel	SB 561-Gannon
SB 400-Onder, with SCS	SB 562-Schupp
SB 404-Riddle	SB 577-Riddle, with SCS
SB 408-Wieland	SB 582-Eslinger
SB 434-Washington	SB 604-Koenig, with SCS
SB 437-Hoskins	SJR 2-Onder, with SCS
SB 459-Brattin, with SCS	SJR 4-Koenig
SB 465-Hoskins, with SCS	SJR 7-Eigel
SB 466-Hoskins, with SCS	SJR 12-Luetkemeyer
SB 473-Brown	SJR 16-Eslinger

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 640-Morse (Bean)
HB 202-McGill (Gannon)	HB 1053-Patterson (Onder)
HB 404-Aldridge (May)	HB 296-Wallingford (White)
HB 449-Tate (Gannon)	HB 298-Wallingford (White)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)

RESOLUTIONS

Reported from Committee

SCR 4-Burlison

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY—WEDNESDAY, APRIL 21, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Indeed, you are my lamp, O Lord, the Lord lightens my darkness.” (2 Samuel 22:29)

Blessed God, King of the Universe, You are the God who lights up our lives and through us we hope brightens the world a little more through our efforts. Keep us close to You that we may know and see the way through these times that has darkened our world. Let us see and find a path that leads us closer to You that we might be a witness to You, our God. And fill us with an unwavering faith that guides our footsteps so we may provide comfort to those in pain and assistance to those in need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schatz offered Senate Resolution No. 314, regarding Aaditi Chinawalkar, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 315, regarding Fareeha Siddique, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 316, regarding Shruti Panda, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 317, regarding Navya Bhagat, Chesterfield, which was adopted.

Senator Koenig offered Senate Resolution No. 318, regarding Rockwood Summit High School, Fenton, which was adopted.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

HOUSE BILLS ON THIRD READING

At the request of Senator Onder, **HB 333** was placed on the Informal Calendar.

At the request of Senator Crawford, **HCS** for **HB 271**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Eigel, **HB 850** was placed on the Informal Calendar.

HB 476, introduced by Representative Grier, entitled:

An Act to repeal section 324.009, RSMo, and to enact in lieu thereof one new section relating to license reciprocity for military members.

Was taken up by Senator Bernskoetter.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 476, Page 1, In the Title, Lines 2-3, by striking the words “license reciprocity for military members” and inserting in lieu thereof the following: “professional registration”; and

Further amend said bill, page 3, section 324.009, line 80 by inserting after all of said line the following:

“339.150. 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or

(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

- (a) Executed a brokerage agreement with the Missouri real estate broker;
- (b) Consented to the jurisdiction of Missouri and the commission;
- (c) Consented to disciplinary procedures under section 339.100; and

(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. Notwithstanding provisions of this chapter to the contrary, a broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives compensation from a broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:

(1) Solely by the licensee;

(2) By the licensee together with the licensee's spouse, but only if the spouse and licensee are both licensed and associated with the same broker, or the spouse is not also licensed; or

(3) By the licensee and one or more other licensees, but only if all such owners are licensees which are associated with the same broker.

5. For purposes of subsection 4 of this section, the following terms shall mean:

(1) “Business entity”, any corporation, partnership, limited partnership, limited liability company, professional corporation, or association;

(2) “Licensee”, any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010.”; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

“339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee’s designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real

estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, or for any offense an essential element of which is fraud, dishonesty or an act of violence, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which:

(a) Is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; **or**

(b) Includes a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a business entity licensed under this chapter with whom the licensee is associated. The context of the advertisement or solicitation may be considered by the commission when determining whether a licensee has committed a violation of this paragraph;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission

which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Riddle offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the

following:

“337.068. 1. If the [board] **committee** finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or who has been ordered to be evaluated under chapter 552**, and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee’s license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the [board] **committee** filing an action pursuant to subsection 2 of section 337.035 shall be destroyed within three months after the final case disposition by the [board] **committee**. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2021, by an individual who has been ordered to be evaluated under chapter 552**, that did not result in the [board] **committee** filing an action pursuant to subsection 2 of section 337.035, the [board] **committee** and the division of professional registration, shall in a timely fashion:

(1) Destroy all documentation regarding the complaint;

(2) Notify any other licensing board in another state or any national registry regarding the [board’s] **committee’s** actions if they have been previously notified of the complaint; and

(3) Send a letter to the licensee that clearly states that the [board] **committee** found the complaint to be unsubstantiated, that the [board] **committee** has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their psychology professions.

338.710. 1. There is hereby created in the Missouri board of pharmacy the “RX Cares for Missouri Program”. The goal of the program shall be to promote medication safety and to prevent prescription drug abuse, misuse, and diversion in Missouri.

2. The board, in consultation with the department, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop or provide programs or education to promote medication safety or to suppress or prevent prescription drug abuse, misuse, and diversion in the state of Missouri. In no case shall the authorization include, nor the funds be expended for, any state prescription drug monitoring program including, but not limited to, such as are defined in 38 CFR 1.515. Funds disbursed to a state agency under this section may enhance, but shall not supplant, funds otherwise appropriated to such state agency.

3. The board shall be the administrative agency responsible for implementing the program in consultation with the department. The board and the department may enter into interagency agreements between themselves to allow the department to assist in the management or operation of the program. The

board may award funds directly to the department to implement, manage, develop, or provide programs or education pursuant to the program.

4. After a full year of program operation, the board shall prepare and submit an evaluation report to the governor and the general assembly describing the operation of the program and the funds allocated. Unless otherwise authorized by the general assembly, the program shall expire on August 28, [2019] **2026.**”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

“324.012. 1. This section shall be known and may be cited as the “Fresh Start Act of 2020”.

2. As used in this section, the following terms mean:

(1) “Criminal conviction”, any conviction, finding of guilt, plea of guilty, or plea of nolo contendere;

(2) “Licensing”, any required training, education, or fee to work in a specific occupation, profession, or activity in the state;

(3) “Licensing authority”, an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession. **For purposes of the provisions of this section other than subsection 7 of this section**, the term “licensing authority” shall not include the state board of education’s licensure of teachers pursuant to chapter 168, the Missouri state board of accountant’s licensure of accountants pursuant to chapter 326, the board of podiatric medicine’s licensure of podiatrists pursuant to chapter 330, the Missouri dental board’s licensure of dentists pursuant to chapter 332, the state board of registration for the healing art’s licensure of physicians and surgeons pursuant to chapter 334, the Missouri state board of nursing’s licensure of nurses pursuant to chapter 335, the board of pharmacy’s licensure of pharmacists pursuant to chapter 338, the Missouri real estate commission’s licensure of real estate brokers, real estate salespersons, or real estate broker-salespersons pursuant to sections 339.010 to 339.205, the Missouri veterinary medical board’s licensure of veterinarian’s pursuant to chapter 340, the Missouri director of finance appointed pursuant to chapter 361, or the peace officer standards and training commission’s licensure of peace officers or other law enforcement personnel pursuant to chapter 590;

(4) “Political subdivision”, a city, town, village, municipality, or county.

3. Notwithstanding any other provision of law, beginning January 1, 2021, no person shall be disqualified by a state licensing authority from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the criminal conviction directly relates to the duties and responsibilities for the licensed occupation as set forth in this section or is violent or sexual in nature.

4. Beginning August 28, 2020, applicants for examination of licensure who have pleaded guilty to,

entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, United States, or any other country, notwithstanding whether sentence is imposed, shall be considered by state licensing authorities to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession:

(1) Any murder in the first degree, or dangerous felony as defined under section 556.061 excluding an intoxication-related traffic offense or intoxication-related boating offense if the person is found to be a habitual offender or habitual boating offender as such terms are defined in section 577.001;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material;

(5) The offense of delivery of a controlled substance, as provided in section 579.020, may be a disqualifying criminal offense for the following occupations: real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344; and

(6) Any offense an essential element of which is fraud may be a disqualifying criminal offense for the following occupations: private investigators, licensed pursuant to sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects, licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371; landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to chapter 333; real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344.

5. If an individual is charged with any of the crimes set forth in subsection 4 of this section, and is convicted, pleads guilty to, or is found guilty of a lesser-included offense and is sentenced to a period of incarceration, such conviction shall only be considered by state licensing authorities as a criminal offense that directly relates to the duties and responsibilities of a licensed profession for four years, beginning on

the date such individual is released from incarceration.

6. (1) [Licensing authorities shall only list criminal convictions that are directly related to the duties and responsibilities for the licensed occupation.

(2)] The licensing authority shall determine whether an applicant with a criminal conviction [listed under subdivision (1) of this subsection] will be denied a license based on the following factors:

(a) The nature and seriousness of the crime for which the individual was convicted;

(b) The passage of time since the commission of the crime, including consideration of the factors listed under subdivision [(3)] (2) of this subsection;

(c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and

(d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

[(3)] (2) If an individual has a valid criminal conviction for a criminal offense that could disqualify the individual from receiving a license, the disqualification shall not apply to an individual who has been exonerated for a crime for which he or she has previously been convicted of or incarcerated.

7. An individual with a criminal record may petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include details on the individual's criminal record. The licensing authority shall inform the individual of his or her standing within thirty days after the licensing authority has met, but in no event more than four months after receiving the petition from the applicant. The decision shall be binding, unless the individual has subsequent criminal convictions or failed to disclose information in his or her petition. **If the decision is that the individual is disqualified, the individual shall be notified in writing of the grounds and reasons for disqualification.** The licensing authority may charge a fee by rule to recoup its costs as set by rulemaking authority not to exceed twenty-five dollars for each petition.

8. (1) If a licensing authority denies an individual a license solely or in part because of the individual's prior conviction of a crime, the licensing authority shall notify the individual in writing of the following:

(a) The grounds and reasons for the denial or disqualification;

(b) That the individual has the right to a hearing as provided by chapter 621 to challenge the licensing authority's decision;

(c) The earliest date the person may reapply for a license; and

(d) That evidence of rehabilitation may be considered upon reapplication.

(2) Any written determination by the licensing authority that an applicant's criminal conviction is a specifically listed disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for each of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing evidence sufficient for a reviewing court.

(3) In any administrative hearing or civil litigation authorized under this subsection, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction

directly relates to the occupation for which the license is sought.

9. The provisions of this section shall apply to any profession for which an occupational license is issued in this state, including any new occupational license created by a state licensing authority after August 28, 2020. Notwithstanding any other provision of law, political subdivisions shall be prohibited from creating any new occupational licenses after August 28, 2020. The provisions of this section shall not apply to business licenses, where the terms “occupational licenses” and “business licenses” are used interchangeably in a city or county charter definition.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend House Bill No. 476, Page 1, In the Title, Lines 2-3, by striking “license reciprocity for military members” and inserting in lieu thereof the following: “professional registration, with a delayed effective date for certain sections”; and

Further amend said bill, page 1, section A, line 2, by inserting after said line the following:

“281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[, hereafter referred to as the “director”].

281.020. As used in sections 281.010 to 281.115, the following terms mean:

(1) “Animal”, all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) “Applicator, operator or technician”:

(a) **“Certified applicator”, includes certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;**

(b) **“Certified commercial applicator”, any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [or] determine the need for the use of, or supervise the determination of need for any pesticide, whether classified for restricted use or for general use, while [he] the individual is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;**

[(b)] (c) “Certified noncommercial applicator”, any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [him or his] the individual or the individual’s employer;

[(c)] (d) “Certified private applicator”, any individual who is certified by the director as authorized to use[, or to supervise the use of,] any pesticide [which] that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [him or his] the individual or the individual’s employer or on the property of another person, if used without compensation other than trading

of personal services between producers of agricultural commodities[, on the property of another person];

(e) **“Certified provisional private applicator”**, any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual’s immediate family member, so long as the following requirements are met:

- a. The restricted use pesticide (RUP) is not a fumigant;
- b. The RUP does not contain sodium cyanide or sodium fluoroacetate;
- c. The individual will not apply any RUP using aerial application equipment;
- d. The individual will not supervise the use of any RUP; and
- e. The individual will not purchase any RUP;

[(d)] (f) **“Certified public operator”**, any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of [his] **the individual’s** duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;

(g) **“Noncertified restricted use pesticide (RUP) applicator”**, any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public operator;

[(e)] (h) **“Private applicator”**, any person not holding a certified private applicator’s license **or certified provisional private applicator’s license** who [shall be required to obtain a permit for the use of any restricted use pesticide] **uses general use pesticides or minimum risk pesticides** for the purposes of producing any agricultural commodity on property owned or rented by [him or his] **the person or the person’s** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of that pesticide];

[(f)] (i) **“Pesticide technician”**, any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of [this chapter] **sections 281.010 to 281.115**, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

[(g)] (j) **“Pesticide technician trainee”**, any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician’s license;

(3) **“Beneficial insects”**, those insects [which] **that**, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) **“Defoliant”**, any substance or mixture of substances intended for causing the leaves or foliage to

drop from a plant, with or without causing abscission;

(5) **“Department” or “department of agriculture”, the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;**

(6) **“Desiccant”, any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;**

[(6)] (7) **“Determining the need for the use of any pesticide”, the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;**

[(7)] (8) **“Device”, any instrument or contrivance, other than a firearm, [which] that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;**

(9) **“Director”, the director of the department of agriculture or the director’s designee;**

(10) **“Distribute”, to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;**

[(8)] (11) **“Environment”, includes water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] that exist among these;**

[(9)] (12) **“Equipment” [means], any type of ground, water or aerial equipment or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;**

[(10)] (13) **“Fungus”, any nonchlorophyll-bearing thallophyte, [that] which is[,] any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, such as[, for example,] rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;**

(14) **“General use pesticide”, any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;**

(15) **“Immediate family”, familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. “First cousin” means the child of a parent’s sibling, i.e., the child of an aunt or uncle;**

[(11)] (16) **“Individual”, any responsible, natural human being;**

[(12)] (17) **“Insect”, any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually**

winged forms, **such** as[, for example,] beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, **such** as[, for example,] spiders, mites, ticks, centipedes, and wood lice;

[(13)] **(18)** “Land”, all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) “Minimum risk pesticide”, any pesticide product exempted under 40 CFR Section 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[(14)] **(20)** “Misuse of a pesticide”, a use of any [registered] pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;

[(15)] **(21)** “Nematode”, invertebrate animals of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(22) “Nontarget organism”, any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[(16)] **(23)** “Person”, any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

[(17)] **(24)** “Pest”:

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, [which] **that** is normally considered to be a pest;

[(18)] **(25)** “Pesticide”:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

[(19)] **(26)** “Pesticide dealer”, any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) “Pesticide dealership”, any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

[(20)] **(28)** “Plant regulator”, any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The

term “plant regulator” does not include any of those nutrient mixtures or soil amendments [which] **that** are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health and propagation of plants, and [which] **that** are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

[(21)] (21) “Private applicator permit”, a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of such pesticide;

[(22)] (29) “Restricted use pesticide”, any pesticide when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

[(23)] (30) “Sale”, selling or offering for sale any pesticide;

[(24)] (31) “Snails” or “slugs” includes all harmful mollusks;

[(25)] (32) “Unreasonable adverse effects on the environment”, any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

[(26)] (33) “Under the direct supervision of a certified applicator”, when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

[(27)] (34) “Use”, mixing, **loading, or** applying[, storing or disposing of a] **any** pesticide; **cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment wash waters, and other pesticide-containing materials;**

[(28)] (35) “Weed”, any plant [which] **that** grows where not wanted; [and

(29)] (36) “Wildlife”, all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors [which] **that** the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof,

if [he] **the director** finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. [The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides [which] **that** have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator[, or a private applicator with a permit]. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. 1. The director may, by regulation, classify [certified applicator, operator or technician] licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators [or], pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if [he] **the individual** is certified in one or all of the certification categories provided under the license for which [he] **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. 1. No individual shall engage in the business of determining the need for the use of,

supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless [he or she] **the certified commercial applicator** has demonstrated [his or her] **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any **general use pesticide or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use pesticide or minimum risk pesticide** by an individual operating under [his or her] **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [working] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.**

3. Application for a certified commercial applicator's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications [he or she] **the applicant** had applied for, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] 5. The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[5.] 6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case [said] **the license** shall expire upon the expiration date of the financial responsibility.

The director may limit the license of the applicant to the use of certain [restricted use] pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] 7. The director shall require each certified commercial applicator or [his or her] **the certified commercial applicator's** employer to maintain records with respect to applications of any pesticide, **including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators.** Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] **the certified commercial applicator's** employer.

[7.] 8. A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] **such person's or individual's** sole certified commercial applicator by reason of death, illness, incapacity or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] **such person's or individual's** sole certified commercial applicator.

[8.] 9. Every certified commercial applicator shall display [his or her] **the certified commercial applicator's** license in a prominent place at the site, location or office from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator; that place, location or office being at the address printed on the license.

[9.] 10. Every certified commercial applicator who changes the address from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040 or 281.045, [or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040] shall not use, or supervise the use of, any [restricted-use] **restricted use** pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless [he or she] **the certified noncommercial applicator** has demonstrated [his or her] **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. **No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct**

supervision.

3. Application for a certified noncommercial applicator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he or she] **the applicant** has applied, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] **the applicant** is certified. The license shall expire one year from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] 6. The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to apply pesticides safely and properly.

[6.] 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

[7.] 8. Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by [himself or herself or his or her] **the certified noncommercial applicator or the certified noncommercial applicator's** employer.

[8.] 9. The director shall require the certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer to maintain records with respect to applications of restricted use pesticides. Any relevant information [which] **that** the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[9.] 10. Every certified noncommercial applicator shall display [his or her] **the certified noncommercial applicator's** license in a prominent place at the site, location or office from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator; that place, location or office being at the address printed on the license.

[10.] 11. Every certified noncommercial applicator who changes the address from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date

of the revised license shall be the same as the expiration date for the original license.

281.038. 1. [After July 1, 1990,] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of **or use any general use** pesticide [nor use any] **or minimum risk** pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] **sections 281.010 to 281.115.**

2. Application for a pesticide technician's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department.** Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] **the applicant's** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator must be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator must be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any restricted-use pesticide unless [he] **the private applicator** first complies with the requirements determined pursuant to subsection [2 or 5] **3** of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. **No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.**

3. The private applicator shall qualify for a certified private applicator's license **or certified provisional private applicator's license** by [either] attending [a course or completing an online course of instruction] **an approved certification training program provided by University of Missouri extension, completing an online certification training program provided by University of Missouri extension, or by passing the required private applicator certification examination** provided by the director on the use, handling, storage and application of [restricted-use] **restricted use pesticides in the proper certification categories as specified by regulation**. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] **certification training program, completion of the online certification training program, or passage of the required private applicator certification examination**, the director shall issue a certified private applicator's license **or certified provisional private applicator's license** to the applicant. The director shall not collect a fee for the issuance of such license[, but the]. University of Missouri extension [service may] **shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online**. [However, no fee] **Such fees** shall be assessed [or collected from an individual completing an online course of instruction] **based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars**. [Both the director of the department and of the University of Missouri extension service shall review such costs annually.] **Such committee shall be provided revenue and expense information for the training program from University of Missouri extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the house of representatives and senate agriculture or equivalent committees. The committee shall be composed of five members including:**

- (1) The director;
- (2) The director of University of Missouri extension or his or her designee;
- (3) The president of a statewide corn producers organization who actively grows corn or his or her designee;
- (4) The president of a statewide soybean producers organization who actively grows soybeans or his or her designee; and
- (5) The president of the state's largest general farm membership organization or his or her designee.

[3.] 4. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary] **upon successful completion of approved recertification training or by passing the required private applicator certification examination**.

5. On the date of the certified provisional private applicator's eighteenth birthday, his or her

license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

[4.] **6.** If the director does not qualify the private applicator under this section [he] **the director** shall inform the applicant in writing of the reasons therefor.

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] **the certified public operator** has demonstrated [his] **the certified public operator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. [Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]

3. **No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.**

4. Application for a certified public operator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include all information prescribed by the director by regulation.

[4.] **5.** The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he] **the applicant** has applied, and [his] **the applicant's** knowledge of the standards prescribed by regulations for the certification of public operators.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which [he] **the applicant** has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] **the operator's** employment. A certified public operator license shall expire three years from the date of issuance unless

[it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] 7. The director may renew any certified public operator license under the classification for which that applicant is licensed, [subject to] **upon successful completion of approved recertification training or reexamination** for additional knowledge which may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] 8. The director shall require the certified public operator, or [his] **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] **the certified public operator's** employer.

[8.] 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] 10. Every certified public operator shall display [his] **the certified public operator's** license in a prominent place at the site, location or office from which [he] **the certified public operator** will operate as a certified public operator, that place, location or office being at the address printed on the license.

[10.] 11. Every certified public operator who changes the address from which [he] **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

281.048. 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

2. No individual shall use restricted use pesticides while working under the direct supervision of a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 CFR section 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall

be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator that place, location, or office being at the address printed on the license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless [he or she] **the individual** has obtained a license from the director [which] **that** shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each **pesticide dealership** location or outlet from which [such] **restricted use** pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user[. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] **shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, "selling or holding and offering for sale" shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.**

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the [director's office] **department**. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] **the applicator's** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] **that** provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] **the applicant's** knowledge of the laws and

regulations governing the use and sale of pesticides and [his or her] **the applicant's** responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for [insuring] **ensuring** that all of [his or her] **the dealer's** employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] **the dealer** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial** applicators [or], **certified public** operators, or to **certified** private applicators [who have met the requirements of subsection 5 of section 281.040,] **holding valid certifications in proper certification categories** or to other **licensed** pesticide dealers, except that pesticide dealers may allow the designated representative of such certified applicators[, operators or private applicators] to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator[, operator or private applicator].

6. The director shall require the pesticide dealer, or [his or her] **the dealer's** employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] **the dealer's** employer.

7. Every licensed pesticide dealer who changes [his or her] **the dealer's** address or place of business shall immediately notify the director.

281.055. 1. If the [application for] renewal of any license[,] **or** certification [or permit] provided for in [this chapter] **sections 281.010 to 281.115** is not filed prior to **the** expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] **or** certification [or permit] shall be renewed[]; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] **or** certification [or permit] may renew the license[,] **or** certification [or permit] for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then], **the license shall be cancelled and** the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[,] a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for [said] **the** publication.

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license[, permit,] or certification issued under sections 281.010 to 281.115, if [he] **the director** finds that the applicant or the holder of a license[, permit,] or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in [another] **this state or in any** state or protectorate of the United States, or has had a pesticide applicator license[, or certificate [or permit] denied, suspended, revoked or modified by [another] **any** state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under [this chapter] **sections 281.010 to 281.115**, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. **Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] **person** is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and compel the production of books, documents and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[, or certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] **pesticide use by** the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director [or his or her designee] at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten [working] days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the

surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in [his or her] **the bond- or policyholder's** application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel [his or her] **the bond- or policyholder's** license, or deny the license of an applicant, and give [him or her] **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages [which] **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that [he] **the person** has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and [he] **the director** shall make [his] **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee and [his] **the licensee's**

representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension or revocation of a license [or permit] issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by [him] **the director**:

(1) Examine, or cause to be examined, under oath, any person;

(2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;

(3) Hear such testimony and take such evidence as will assist [him] **the director** in the discharge of [his] **the director's** duties under [this chapter] **sections 281.010 to 281.115**;

(4) Administer or cause to be administered [oath] **oaths**; and

(5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. [1.] The director may issue a [license or] **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed [or] **as a certified [in another state substantially] applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued** in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [must] **shall** be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or pesticide containers in such a manner **that is inconsistent with label directions or** as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the Federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual] **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, [to] **cause to use**, use, or [to] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the** Missouri pesticide use act, or **the** Missouri pesticide registration act;

(2) It shall be unlawful for any [individual] **person** to misuse any pesticide;

(3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) **It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;**

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use or misuse of any pesticide;

[(4)] (6) It shall be unlawful to make any false or misleading statement on any application, form or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[(5)] (7) It shall be unlawful to make any false, misleading or fraudulent statement or claim, through any media, [which] **that** misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

[(6)] (8) It shall be unlawful to make any false or misleading statement specifying[,] or inferring that a person or [his] **the person's** methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[(7)] (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder;

(10) **It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person to steal or attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.**

3. Other acts [which] **that** are not specified, but [which] **that** violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.”; and

Further amend said bill, page 3, section 324.009, line 80, by inserting after all of said line the following:

“Section B. The enactment of section 281.048 and the repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, and 281.937 of this act shall become effective on January 1, 2024.”; and

Further amend the title and enacting clause accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following;

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's [primary] health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.

2. For purposes of this section, "postexposure prophylaxis" shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.

3. For purposes of this section, "CDC guidelines" shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.

4. The state board of registration for the healing arts and the state board of pharmacy shall jointly promulgate rules and regulations for the administration of this section. Neither board shall separately promulgate rules governing a pharmacist's authority to dispense HIV postexposure prophylaxis under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered SA 7:

SENATE AMENDMENT NO. 7

Amend House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

“362.034. 1. Any entity that operates as a facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri may request in writing that a state or local licensing authority or agency, including but not limited to the department of health and senior services or department of revenue, share the entity’s application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution’s state and federal supervisory agencies.

2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.

3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request pursuant to this section.

4. The recipient of any information pursuant to this section shall treat such information as confidential and use it only for the purposes described in this section.

5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity’s rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.

6. An entity that has provided a waiver pursuant to this section may withdraw the waiver with thirty days’ notice in writing.

7. Nothing in this section shall be construed to modify the requirements of chapter 610.

8. For purposes of this section, the following terms mean:

(1) “Banking institution”, the same meaning as in Article IV, Section 15 of the Missouri Constitution;

(2) “Entity”, the same meaning as in Article XIV, Section 1 of the Missouri Constitution.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted.

Senator Luetkemeyer raised the point of order that SA 7 is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Burlison offered SA 8:

SENATE AMENDMENT NO. 8

Amend House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

“324.087. SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of Occupational Therapy with the goal of improving public access to Occupational Therapy services. The Practice of Occupational Therapy occurs in the State where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure. This Compact is designed to achieve the following objectives:

- A. Increase public access to Occupational Therapy services by providing for the mutual recognition of other Member State licenses;**
- B. Enhance the States’ ability to protect the public’s health and safety;**
- C. Encourage the cooperation of Member States in regulating multi-State Occupational Therapy Practice;**
- D. Support spouses of relocating military members;**
- E. Enhance the exchange of licensure, investigative, and disciplinary information between Member States;**
- F. Allow a Remote State to hold a provider of services with a Compact Privilege in that State accountable to that State’s practice standards; and**
- G. Facilitate the use of Telehealth technology in order to increase access to Occupational Therapy services.**

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- A. “Active Duty Military” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.**
- B. “Adverse Action” means any administrative, civil, equitable, or criminal action permitted by a State’s laws which is imposed by a Licensing Board or other authority against an Occupational Therapist or Occupational Therapy Assistant, including actions against an individual’s license or Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee’s practice.**
- C. “Alternative Program” means a non-disciplinary monitoring process approved by an Occupational Therapy Licensing Board.**
- D. “Compact Privilege” means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee from another Member State to practice as an Occupational**

Therapist or practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the time of the patient/client encounter.

E. “Continuing Competence/Education” means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

F. “Current Significant Investigative Information” means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

G. “Data System” means a repository of information about Licensees, including but not limited to license status, Investigative Information, Compact Privileges, and Adverse Actions.

H. “Encumbered License” means a license in which an Adverse Action restricts the Practice of Occupational Therapy by the Licensee or said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. “Executive Committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

J. “Home State” means the Member State that is the Licensee’s Primary State of Residence.

K. “Impaired Practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

L. “Investigative Information” means information, records, and/or documents received or generated by an Occupational Therapy Licensing Board pursuant to an investigation.

M. “Jurisprudence Requirement” means the assessment of an individual’s knowledge of the laws and rules governing the Practice of Occupational Therapy in a State.

N. “Licensee” means an individual who currently holds an authorization from the State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.

O. “Member State” means a State that has enacted the Compact.

P. “Occupational Therapist” means an individual who is licensed by a State to practice 63 Occupational Therapy.

Q. “Occupational Therapy Assistant” means an individual who is licensed by a State to assist in the Practice of Occupational Therapy.

R. “Occupational Therapy,” “Occupational Therapy Practice,” and the “Practice of Occupational Therapy” mean the care and services provided by an Occupational Therapist or an Occupational Therapy Assistant as set forth in the Member State’s statutes and regulations.

S. “Occupational Therapy Compact Commission” or “Commission” means the national administrative body whose membership consists of all States that have enacted the Compact.

T. “Occupational Therapy Licensing Board” or “Licensing Board” means the agency of a State that is authorized to license and regulate Occupational Therapists and Occupational Therapy Assistants.

U. “Primary State of Residence” means the state (also known as the Home State) in which an Occupational Therapist or Occupational Therapy Assistant who is not Active Duty Military declares a primary residence for legal purposes as verified by: driver’s license, federal income tax return, lease, deed, mortgage or voter registration or other verifying documentation as further defined by Commission Rules.

V. “Remote State” means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Compact Privilege.

W. “Rule” means a regulation promulgated by the Commission that has the force of law.

X. “State” means any state, commonwealth, district, or territory of the United States of America that regulates the Practice of Occupational Therapy.

Y. “Single-State License” means an Occupational Therapist or Occupational Therapy Assistant license issued by a Member State that authorizes practice only within the issuing State and does not include a Compact Privilege in any other Member State.

Z. “Telehealth” means the application of telecommunication technology to deliver Occupational Therapy services for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a Member State shall:

- 1. License Occupational Therapists and Occupational Therapy Assistants;**
- 2. Participate fully in the Commission’s Data System, including but not limited to using the Commission’s unique identifier as defined in Rules of the Commission;**
- 3. Have a mechanism in place for receiving and investigating complaints about Licensees;**
- 4. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;**
- 5. Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State’s criminal records;**

a. A Member State shall, within a time frame established by the Commission, require a criminal background check for a Licensee seeking/applying for a Compact Privilege whose Primary State of Residence is that Member State, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records

check performed by a Member State under Public Law 92-544.

6. Comply with the Rules of the Commission;

7. Utilize only a recognized national examination as a requirement for licensure pursuant to the Rules of the Commission; and

8. Have Continuing Competence/Education requirements as a condition for license renewal.

B. A Member State shall grant the Compact Privilege to a Licensee holding a valid unencumbered license in another Member State in accordance with the terms of the Compact and Rules.

C. Member States may charge a fee for granting a Compact Privilege.

D. A Member State shall provide for the State's delegate to attend all Occupational Therapy Compact Commission meetings.

E. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting the Compact Privilege in any other Member State.

F. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identification number;

3. Have no encumbrance on any State license;

4. Be eligible for a Compact Privilege in any Member State in accordance with Section 4D, F, G, and H;

5. Have paid all fines and completed all requirements resulting from any Adverse Action against any license or Compact Privilege, and two years have elapsed from the date of such completion;

6. Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State(s);

7. Pay any applicable fees, including any State fee, for the Compact Privilege;

8. Complete a criminal background check in accordance with Section 3A(5);

a. The Licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.

9. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

10. Report to the Commission Adverse Action taken by any non-Member State within 30 days from the date the Adverse Action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4A to maintain the Compact Privilege in the Remote State.

C. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

D. Occupational Therapy Assistants practicing in a Remote State shall be supervised by an Occupational Therapist licensed or holding a Compact Privilege in that Remote State.

E. A Licensee providing Occupational Therapy in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Compact Privilege in any State until the specific time for removal has passed and all fines are paid.

F. If a Home State license is encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur:

- 1. The Home State license is no longer encumbered; and**
- 2. Two years have elapsed from the date on which the Home State license is no longer encumbered in accordance with Section 4(F)(1).**

G. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4A to obtain a Compact Privilege in any Remote State.

H. If a Licensee's Compact Privilege in any Remote State is removed, the individual may lose the Compact Privilege in any other Remote State until the following occur:

- 1. The specific period of time for which the Compact Privilege was removed has ended;**
- 2. All fines have been paid and all conditions have been met;**
- 3. Two years have elapsed from the date of completing requirements for 4(H)(1) and (2); and**
- 4. The Compact Privileges are reinstated by the Commission, and the compact Data System is updated to reflect reinstatement.**

I. If a Licensee's Compact Privilege in any Remote State is removed due to an erroneous charge, privileges shall be restored through the compact Data System.

J. Once the requirements of Section 4H have been met, the license must meet the requirements in Section 4A to obtain a Compact Privilege in a Remote State.

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

A. An Occupational Therapist or Occupational Therapy Assistant may hold a Home State license, which allows for Compact Privileges in Member States, in only one Member State at a time.

B. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving between two Member States:

1. The Occupational Therapist or Occupational Therapy Assistant shall file an application for obtaining a new Home State license by virtue of a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of compact privilege, the new Home State shall verify that the Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. an FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable Rules adopted by the Commission in accordance with Public Law 92-544;

b. other criminal background check as required by the new Home State; and

c. submission of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Compact Privilege once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 4, the new Home State shall apply its requirements for issuing a new Single-State License.

5. The Occupational Therapist or the Occupational Therapy Assistant shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single-State License in the new State.

D. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A. Active Duty Military personnel, or their spouses, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State or through the process described in Section 5.

SECTION 7. ADVERSE ACTIONS

A. A Home State shall have exclusive power to impose Adverse Action against an Occupational

Therapist's or Occupational Therapy Assistant's license issued by the Home State.

B. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege within that Member State.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the State in which the witnesses or evidence are located.

C. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

D. The Home State shall complete any pending investigations of an Occupational Therapist or Occupational Therapy Assistant who changes Primary State of Residence during the course of the investigations. The Home State, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the OT Compact Commission Data System. The Occupational Therapy Compact Commission Data System administrator shall promptly notify the new Home State of any Adverse Actions.

E. A Member State, if otherwise permitted by State law, may recover from the affected Occupational Therapist or Occupational Therapy Assistant the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Occupational Therapist or Occupational Therapy Assistant.

F. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

G. Joint Investigations

1. In addition to the authority granted to a Member State by its respective State Occupational Therapy laws and regulations or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

H. If an Adverse Action is taken by the Home State against an Occupational Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege in all other Member States shall be deactivated until all encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license shall include a Statement that the Occupational Therapist's or Occupational Therapy Assistant's Compact

Privilege is deactivated in all Member States during the pendency of the order.

I. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

J. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION.

A. The Compact Member States hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board, who is an Occupational Therapist, Occupational Therapy Assistant, or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State board shall fill any vacancy occurring in the Commission within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

7. The Commission shall establish by Rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a Code of Ethics for the Commission;

- 2. Establish the fiscal year of the Commission;**
- 3. Establish bylaws;**
- 4. Maintain its financial records in accordance with the bylaws;**
- 5. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;**
- 6. Promulgate uniform Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Member States;**
- 7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Occupational Therapy Licensing Board to sue or be sued under applicable law shall not be affected;**
- 8. Purchase and maintain insurance and bonds;**
- 9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;**
- 10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**
- 11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;**
- 12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;**
- 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;**
- 14. Establish a budget and make expenditures;**
- 15. Borrow money;**
- 16. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;**
- 17. Provide and receive information from, and cooperate with, law enforcement agencies;**
- 18. Establish and elect an Executive Committee; and**
- 19. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Occupational Therapy licensure and practice.**

D. The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Committee shall be composed of nine members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from a recognized national Occupational Therapy professional association; and

c. One ex-officio, nonvoting member from a recognized national Occupational Therapy certification organization.

2. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following Duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Perform other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 10.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;**
- e. Accusing any person of a crime or formally censuring any person;**
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;**
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;**
- h. Disclosure of investigative records compiled for law enforcement purposes;**
- i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or**
- j. Matters specifically exempted from disclosure by federal or Member State statute.**

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the

audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. A Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or Compact Privilege;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;

6. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission; and

7. Current Significant Investigative Information.

C. Current Significant Investigative Information and other Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 10. RULEMAKING

A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

B. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each Member State Occupational Therapy Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;

2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

3. A request for comments on the proposed Rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

- 1. At least twenty five (25) persons;**
- 2. A State or federal governmental subdivision or agency; or**
- 3. An association or organization having at least twenty five (25) members.**

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

- 1. Meet an imminent threat to public health, safety, or welfare;**
- 2. Prevent a loss of Commission or Member State funds;**
- 3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or**
- 4. Protect public health and safety.**

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

4. A State that has been terminated is responsible for all assessments, obligations, and liabilities

incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

6. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State’s withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State’s Occupational Therapy Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Occupational Therapy licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws promulgated by the Commission, are binding upon the Member States.

E. All agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the “Dietitian Practice Act”.

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) “Accreditation Council for Education in Nutrition and Dietetics” or “ACEND”, the Academy of Nutrition and Dietetics accrediting agency for education programs preparing students for professions as registered dietitians;

(2) “Committee”, the state committee of dietitians established in section 324.203;

(3) “Dietetics practice”, the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

(a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;

(c) Providing nutrition counseling or education in health and disease;

(d) Developing, implementing, and managing nutrition care systems;

(e) Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;

(f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;

(4) “Dietitian”, one engaged in dietetic practice as defined in subdivision (3) of this section;

(5) “Director”, the director of the division of professional registration;

(6) “Division”, the division of professional registration;

(7) “Licensed dietitian”, a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;

(8) “Medical nutrition therapy”, [nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian or registered dietitian nutritionist] **the provision of nutrition care services for the treatment or management of a disease or medical condition;**

(9) “Registered dietitian” or “registered dietitian nutritionist”, a person who:

(a) Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent;

(b) Completed the academic requirements of a didactic program in dietetics, as approved by ACEND;

(c) Successfully completed the registration examination for dietitians; and

(d) Accrued seventy-five hours of approved continuing professional units every five years; as determined by the Committee on Dietetic Registration.

324.206. 1. As long as the person involved does not represent or hold himself or herself out as a dietitian as defined by subdivision (4) of subsection 2 of section 324.200, nothing in sections 324.200 to 324.225 is intended to limit, preclude, or otherwise interfere with:

(1) Self-care by a person or gratuitous care by a friend or family member;

(2) Persons in the military services or working in federal facilities from performing any activities described in sections 324.200 to 324.225 during the course of their assigned duties in the military service or a federal facility;

(3) A licensed health care provider performing any activities described in sections 324.200 to 324.225 that are within the scope of practice of the licensee;

(4) A person pursuing an approved educational program leading to a degree or certificate in dietetics at an accredited or approved educational program as long as such person does not provide dietetic services outside the educational program. Such person shall be designated by a title that clearly indicates the person's status as a student;

(5) Individuals who do not hold themselves out as dietitians marketing or distributing food products including dietary supplements as defined by the Food and Drug Administration or engaging in the explanation and education of customers regarding the use of such products;

(6) Any person furnishing general nutrition information as to the use of food, food materials, or dietary supplements, nor prevent in any way the free dissemination of literature;

(7) A person credentialed in the field of nutrition from providing advice, counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are within the scope of practice listed by the credentialing body and do not constitute medical nutrition therapy;

provided, however, no such individual may call himself or herself a dietitian unless he or she is licensed under this chapter.

2. A credentialed person not representing or holding himself or herself out as a dietitian, who performs any of the acts or services listed in subsection 1 of this section, shall provide, prior to performing such act or service for another, the following:

(1) The person's name and title;

(2) The person's business address and telephone number;

(3) A statement that the person is not a dietitian licensed by the state of Missouri;

(4) A statement that the information provided or advice given may be considered alternative care by licensed practitioners in the state of Missouri; and

(5) The person's qualifications for providing such information or advice, including educational background, training, and experience.

327.011. As used in this chapter, the following words and terms shall have the meanings indicated:

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;

(2) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or

its successor organization;

(3) “Accredited school of landscape architecture”, any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects;

(4) “Architect”, any person authorized pursuant to the provisions of this chapter to practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

(5) “Board”, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects;

(6) “Corporation”, any general business corporation, professional corporation or limited liability company;

(7) “Design coordination”, the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, architects, professional engineers, professional land surveyors, professional landscape architects, and other consultants;

(8) “Design survey”, a survey which includes all activities required to gather information to support the sound conception, planning, design, construction, maintenance, and operation of design projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system;

(9) “Incidental practice”, the performance of other professional services licensed under chapter 327 that are related to a licensee’s professional service, but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by education, training, and experience as determined by the board and in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

(10) “Licensee”, a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession;

(11) “Partnership”, any partnership or limited liability partnership;

(12) “Person”, any [person] **individual**, corporation, firm, partnership, association or other entity **authorized to do business**;

(13) “Professional engineer”, any person authorized pursuant to the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181;

(14) “Professional land surveyor”, any person authorized pursuant to the provisions of this chapter to practice as a professional land surveyor in Missouri as the practice of land surveying is defined in section 327.272;

(15) “Professional landscape architect”, any person authorized pursuant to the provisions of this chapter to practice as a professional landscape architect in Missouri as the practice of landscape architecture is defined in section 327.600;

(16) “Responsible charge”, the independent direct control of a licensee’s work and personal supervision of such work pertaining to the practice of architecture, engineering, land surveying, or landscape architecture.

327.091. 1. [Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title “architect” or the terms “architect” or “architecture” or “architectural” alone or together with any words other than “landscape” that indicate or imply that such person is or holds himself or herself out to be an architect] **The practice of architecture is the rendering of or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part and including any additions or alterations thereto, as well as to the spaces within and the site surrounding such buildings and structures, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, design surveys, feasibility studies, evaluation, planning, aesthetic and structural design, preliminary design, drawings, specifications, technical submissions, and other instruments of service, the administration of construction contracts, construction observation and inspection, and the coordination of any elements of technical submissions prepared by others, including professional engineers, landscape architects, and other consultants that pertain to the practice of architecture. A person shall be considered to be practicing architecture when such person uses the title “architect” or the terms “architect” or “architecture” or “architectural” alone or together with any words other than “landscape” to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.**

2. Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.

327.101. 1. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified[; provided, however, that nothing in this chapter shall apply to the following persons].

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of architecture in section 327.091, provided that such persons shall not use the title “architect” or the terms “architect” or “architecture” or “architectural” alone or together with any words other than “landscape” that indicate or imply that such person is or holds himself or herself out to be an architect:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license or certificate of authority as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional services lawfully being performed by such licensed professional engineer;

(4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a professional landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), **or** (c)[, (d), and (e)] which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) [A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or

(d) Any one structure containing less than two thousand square feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or

(e) A building or structure used exclusively for farm purposes] **Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;**

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;

(7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business; **or**

(8) Any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes.

327.131. Any person may apply to the board for licensure as an architect who is over the age of twenty-one, has acquired an accredited degree from an accredited degree program from a school of architecture, holds a certified Intern Development Program (IDP) **or Architectural Experience Program (AXP)** record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.

327.191. **1.** No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to such person a professional license or a certificate of authority certifying that such person has been duly licensed as a professional engineer or authorized to practice engineering in Missouri, and unless such license or certificate has been renewed as provided in section 327.261[; provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons].

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of professional engineering in section 327.181, provided that such persons shall not use the title “professional engineer” or “consulting engineer” or the word “engineer” alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or use any word or words, letters, figures, degrees, titles, or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering:

(1) Any person who is an employee of a person holding a currently valid license as a professional engineer or who is an employee of a person holding a currently valid certificate of authority pursuant to this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer pursuant to this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, and does not affect the health, safety, and welfare of the public;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, and does not affect the health, safety, and welfare of the public;

(4) Any holder of a currently valid license or certificate of authority as an architect, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any privately owned building described as follows, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer:

(a) A dwelling house;

(b) A multiple family dwelling house, flat, or apartment containing no more than two families; or

(c) Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;

(6) Any person who renders engineering services in connection with the remodeling or repairing of any privately owned, multiple family dwelling house, flat, or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer;

(7) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business;

(8) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agricultural purposes.

327.241. 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section 327.221, or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section 327.221 and upon payment of the required fee, such person shall be an engineer-intern, subject to the other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section[, who has acquired at least four years of satisfactory engineering experience,] may take part two of the engineering examination and upon passing it **and having acquired at least four years of satisfactory engineering experience** shall be entitled to receive a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may [then acquire four years of satisfactory engineering experience and thereafter]

take both parts of the examination and upon passing **and having acquired four years of satisfactory engineering experience** shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

[8. Any person entitled to be licensed as a professional engineer as provided in subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the engineering division of the board may require him to take and satisfactorily pass such further examination as provided by rule before issuing to him a license.]

327.612. Any person who [has attained the age of twenty-one years, and] has a degree in landscape architecture from an accredited school of landscape architecture [and], **or possesses an education which in the opinion of the board equals or exceeds the education received by a graduate of an accredited school**, has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree, **and who has taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards** may apply to the board for licensure as a professional landscape architect.”; and

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter moved that **HB 476**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **HB 476**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Schatz referred **SS** for **SB 45** and **SB 36** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 574**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 529**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Cierpiot moved that **SB 202**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the

Informal Calendar and again taken up for perfection.

At the request of Senator Cierpiot, **SS** for **SCS** for **SB 202** was withdrawn, rendering **SA 1** moot.

Senator Cierpiot offered **SS No. 2** for **SCS** for **SB 202**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 202

An Act to repeal sections 386.370, 393.106, 394.120, and 400.9-109, RSMo, and to enact in lieu thereof eight new sections relating to electrical corporations.

Senator Cierpiot moved that **SS No. 2** for **SCS** for **SB 202** be adopted.

Senator Bean assumed the Chair.

Senator Rowden assumed the Chair.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 202, Page 16, Section 393.1700, Line 291, by striking “retail” and inserting in lieu thereof the following: “**retain**”; and

Further amend said bill and section, page 23, line 532, by inserting after “attend” the following: “**all**”; and

Further amend said bill and section, page 24, line 562, by inserting after “advisor” the following: “**or advisors,**”; and further amend said line by striking “or”; and further amend said line by inserting after “counsel” the following: “**, and consultants**”.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot moved that **SS No. 2** for **SCS** for **SB 202**, as amended, be adopted, which motion prevailed.

On motion of Senator Cierpiot, **SS No. 2** for **SCS** for **SB 202**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Wieland offered Senate Resolution No. 319, regarding Jamey Murphy, St. Louis, which was adopted.

INTRODUCTION OF GUESTS

Senator Moon introduced to the Senate, Randall B. Walker.

Senator Eslinger introduced to the Senate, Scott Womack, West Plains; the Lady Zizzer’s Basketball Team, West Plains; Burley Loftin, Ava; and Stan Lovin, Ava.

Senator Wieland introduced to the Senate, Mark Harder, St. Louis; and Dan Buck, St. Louis.

Senator Bernskoetter introduced to the Senate, Carl Houston, Ellen Houston, Joey Houston, Bruce

Houston, Karin Houston, and Sherri Lurten Kempf.

Senator Beck introduced to the Senate, his mother, Diane Beck; and his wife, Marilyn Beck.

President Kehoe introduced to the Senate, Kevin and Marilyn O'Bannon, Madison.

Senator Gannon introduced to the Senate, her sister, Sara Edmundson, Hillsboro; and her grandniece, Emily Edmundson, Arnold.

On motion of Senator White, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FOURTH DAY—THURSDAY, APRIL 22, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1069-Evans

HCS for HB 320

HCS for HB 137

HCS for HB 21

HB 570-Basye

HB 507-Rone

HCS for HB 66

HCS for HB 402

HCS for HB 475

HCS for HB 589

HCS for HB 825

HB 177-Ellebracht

HCS for HB 27

HCS for HB 1030

HB 261-Black (37)

HB 313-Bromley

HCS for HB 689

HCS for HB 29

HCS for HB 553

HCS for HB 556

HB 317-Toalson Reisch

HCS for HB 307

HCS for HB 944

HCS for HB 162

HCS for HBs 848, 617 & 822

HB 500-Schroer

HCS for HBs 165 & 196

HB 1070-Hudson

HCS for HB 649

THIRD READING OF SENATE BILLS

SCS for SB 272-Mosley
(In Fiscal Oversight)

SB 36-Bernskoetter
(In Fiscal Oversight)

SS for SB 45-Hough
(In Fiscal Oversight)

SB 78-Beck
SB 323-May

SENATE BILLS FOR PERFECTION

SB 265-Eslinger
SB 231-Burlison

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 349 (Koenig)
(In Fiscal Oversight)
2. HCS for HJR 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight)
3. HCS #2 for HB 75 (Onder)
4. HCS for HB 362, with SCS (Wieland)
5. HB 657-Trent, with SCS (Hough)
6. HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097 (Bernskoetter)
(In Fiscal Oversight)

7. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight)
8. HCS for HB 15, with SCS (Hegeman)
9. HB 273-Hannegan, with SCS (Riddle)
10. HCS for HB 574 (Riddle)
11. HCS for HB 529, with SCS (Hoskins)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS #2 & SA 1 (pending)
SB 3-Hegeman
SB 7-Riddle, with SS & SA 1 (pending)
SB 10-Schatz, with SS (pending)
SB 11-Schatz, with SS & SA 1 (pending)
SB 24-Eigel, with SS #2 (pending)
SB 30-Cierpiot

SB 39-Burlison and Brattin
SB 47-Hough
SB 54-O'Laughlin, with SCS
SBs 55, 23 & 25-O'Laughlin, et al, with
SCS & SS for SCS (pending)
SB 62-Williams, with SCS
SB 65-Rehder, with SCS

SB 74-Bean, with SCS	SB 282-Hegeman, with SCS
SB 92-Riddle, with SCS	SB 287-Crawford
SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 291-Brown
SB 95-Onder, with SCS	SB 295-Crawford, with SCS
SB 96-Hoskins, with SCS	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 98-Hoskins, with SCS	SB 306-Bernskoetter, with SCS
SB 100-Koenig, with SCS	SB 313-Eigel
SB 105-Crawford, with SCS	SB 316-Hough
SB 114-Bernskoetter	SB 317-May
SB 123-Hough, with SS & SA 2 (pending)	SB 318-May, with SCS
SB 131-Luetkemeyer	SB 334-Bernskoetter
SB 132-O’Laughlin, with SCS	SB 343-Brown
SB 134-O’Laughlin and Cierpiot	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 137-Brattin	SB 360-Wieland, with SCS
SB 138-Brattin, with SCS	SB 361-Wieland
SB 139-Bean	SB 369-White
SB 149-Onder	SB 370-Brown
SB 163-Cierpiot	SB 372-Riddle
SB 168-Burlison	SB 375-Eigel
SB 169-Burlison	SB 383-Moon
SB 174-Hough, with SCS	SB 390-Luetkemeyer
SB 179-Luetkemeyer	SB 399-Eigel
SB 182-O’Laughlin	SB 400-Onder, with SCS
SB 183-O’Laughlin	SB 404-Riddle
SB 184-Bean, with SCS	SB 408-Wieland
SB 195-Koenig	SB 434-Washington
SB 198-Eigel, with SCS	SB 437-Hoskins
SB 204-Cierpiot, with SCS	SB 459-Brattin, with SCS
SB 206-Arthur	SB 465-Hoskins, with SCS
SB 218-Luetkemeyer, with SCS	SB 466-Hoskins, with SCS
SB 227-Arthur	SB 473-Brown
SB 236-Hough, with SCS	SB 481-Hough, et al
SB 244-Onder	SB 506-Bean
SB 253-Hegeman	SB 529-Cierpiot
SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)	SB 547-Hoskins, with SCS
SB 255-Riddle	SB 561-Gannon

SB 562-Schupp
SB 577-Riddle, with SCS
SB 582-Eslinger
SB 604-Koenig, with SCS
SJR 2-Onder, with SCS

SJR 4-Koenig
SJR 7-Eigel
SJR 12-Luetkemeyer
SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 271, with SCS (Crawford)
HB 333-Simmons (Onder)
HB 476-Grier (Bernskoetter)
(In Fiscal Oversight)

HB 850-Wiemann (Eigel)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)
HB 202-McGill (Gannon)
HB 404-Aldridge (May)
HB 449-Tate (Gannon)
HB 522-Windham (Williams)

HB 640-Morse (Bean)
HB 1053-Patterson (Onder)
HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

RESOLUTIONS

Reported from Committee

SCR 4-Burlison

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY—THURSDAY, APRIL 22, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“May God be gracious to us and bless us and make his face to shine upon us...” (Psalm 67:1)

Heavenly Father, we pray that You will be the light in our lives that shines on the path that we must walk this day. And be with us that we will be a witness in our actions and words as we encounter people this day, especially in our travel back to love ones. And as we find ways to be grateful for all Your many gifts to us may we also be grateful for those to who we return home to this day for their love and sacrifice so we may serve here and the people of this state. May we express gratitude to them and to You this weekend in various ways that You open up for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 202**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 90**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCRs 4** and **5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Schatz referred **SS No. 2** for **SCS** for **SB 202** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 158**, entitled:

An Act to repeal sections 64.805, 64.870, 137.275, 214.160, 214.270, and 230.205, RSMo, and to enact in lieu thereof nine new sections relating to county bodies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 353**, entitled:

An Act to repeal sections 287.170 and 287.180, RSMo, and to enact in lieu thereof two new sections relating to the electronic transfer of workers' compensation benefits

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1204**, entitled:

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to cybersecurity.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 928** and **927**, entitled:

An Act to repeal sections 37.850, 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 367.150, and 369.049, RSMo, and to enact in lieu thereof sixteen new sections relating to financial institutions with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 160**, entitled:

An Act to repeal section 494.455, RSMo, and to enact in lieu thereof one new section relating to compensation for jurors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 734**, entitled:

An Act to repeal sections 393.106, 393.355, and 400.9-109, RSMo, and to enact in lieu thereof seven new sections relating to ratemaking for electrical corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1069—Rules, Joint Rules, Resolutions and Ethics.

HCS for HB 320—Education.

HCS for HB 137—Education.

HCS for HB 21—Appropriations.

HB 570—Transportation, Infrastructure and Public Safety.

HB 507—Governmental Accountability and Fiscal Oversight.

HCS for HB 66—Ways and Means.

HCS for HB 402—General Laws.

HCS for HB 475—Professional Registration.

HCS for HB 589—Health and Pensions.

HCS for HB 825—Judiciary and Civil and Criminal Jurisprudence.

HB 177—Governmental Accountability and Fiscal Oversight.

HCS for HB 27—Governmental Accountability and Fiscal Oversight.

HCS for HB 1030—General Laws.

HB 261—Commerce, Consumer Protection, Energy and the Environment.

HB 313—Transportation, Infrastructure and Public Safety.

HCS for HB 689—Economic Development.

HCS for HB 29—Governmental Accountability and Fiscal Oversight.

HCS for HB 553—Local Government and Elections.

HCS for HB 556—General Laws.

HB 317—Seniors, Families, Veterans & Military Affairs.

HCS for HB 307—Transportation, Infrastructure and Public Safety.

HCS for HB 944—General Laws.

HCS for HB 162—Small Business and Industry.

HCS for HBs 848, 617 & 822—Rules, Joint Rules, Resolutions and Ethics.

HB 500—Professional Registration.

HCS for HBs 165 & 196—Local Government and Elections.

HB 1070—Agriculture, Food Production and Outdoor Resources.

HCS for HB 649—Small Business and Industry.

INTRODUCTION OF GUESTS

Senator Eslinger introduced to the Senate, Amanda Engemann, Blake Engemann, Atalie Engemann; and Haley Engemann, Hermann.

Senator Eslinger introduced to the Senate, Ozark Mennonite School, Seymour.

On motion of Senator Rowden, the Senate adjourned until 4:00 p.m., Monday, April 26, 2021.

SENATE CALENDAR

FIFTY-FIFTH DAY—MONDAY, APRIL 26, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 158-Hudson
HB 352-Henderson
HCS for HB 1204

HCS for HBs 928 & 927
HCS for HB 160
HCS for HB 734

THIRD READING OF SENATE BILLS

SCS for SB 272-Mosley (In Fiscal Oversight)
SB 36-Bernskoetter (In Fiscal Oversight)
SS for SB 45-Hough (In Fiscal Oversight)
SB 78-Beck

SB 323-May
SS#2 for SCS for SB 202-Cierpiot
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 265-Eslinger
SB 231-Burlison

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HCS for HB 349 (Koenig)
(In Fiscal Oversight) | 7. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight) |
| 2. HCS for HJR 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight) | 8. HCS for HB 15, with SCS (Hegeman) |
| 3. HCS#2 for HB 75 (Onder) | 9. HB 273-Hannegan, with SCS (Riddle) |
| 4. HCS for HB 362, with SCS (Wieland) | 10. HCS for HB 574 (Riddle) |
| 5. HB 657-Trent, with SCS (Hough) | 11. HCS for HB 529, with SCS (Hoskins) |
| 6. HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097 (Bernskoetter)
(In Fiscal Oversight) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 1-Hegeman, with SS#2 & SA 1 (pending) | SB 114-Bernskoetter |
| SB 3-Hegeman | SB 123-Hough, with SS & SA 2 (pending) |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 131-Luetkemeyer |
| SB 10-Schatz, with SS (pending) | SB 132-O'Laughlin, with SCS |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 134-O'Laughlin and Cierpiot |
| SB 24-Eigel, with SS#2 (pending) | SB 137-Brattin |
| SB 30-Cierpiot | SB 138-Brattin, with SCS |
| SB 39-Burlison and Brattin | SB 139-Bean |
| SB 47-Hough | SB 149-Onder |
| SB 54-O'Laughlin, with SCS | SB 163-Cierpiot |
| SBs 55, 23 & 25-O'Laughlin, et al, with
SCS & SS for SCS (pending) | SB 168-Burlison |
| SB 62-Williams, with SCS | SB 169-Burlison |
| SB 65-Rehder, with SCS | SB 174-Hough, with SCS |
| SB 74-Bean, with SCS | SB 179-Luetkemeyer |
| SB 92-Riddle, with SCS | SB 182-O'Laughlin |
| SB 94-Onder with SS, SA1 to SS & SA 1 to
SA 1 (pending) | SB 183-O'Laughlin |
| SB 95-Onder, with SCS | SB 184-Bean, with SCS |
| SB 96-Hoskins, with SCS | SB 195-Koenig |
| SB 98-Hoskins, with SCS | SB 198-Eigel, with SCS |
| SB 100-Koenig, with SCS | SB 204-Cierpiot, with SCS |
| SB 105-Crawford, with SCS | SB 206-Arthur |
| | SB 218-Luetkemeyer, with SCS |
| | SB 227-Arthur |

SB 236-Hough, with SCS	SB 383-Moon
SB 244-Onder	SB 390-Luetkemeyer
SB 253-Hegeman	SB 399-Eigel
SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)	SB 400-Onder, with SCS
SB 255-Riddle	SB 404-Riddle
SB 282-Hegeman, with SCS	SB 408-Wieland
SB 287-Crawford	SB 434-Washington
SB 291-Brown	SB 437-Hoskins
SB 295-Crawford, with SCS	SB 459-Brattin, with SCS
SB 301-Bernskoetter, with SCS & SA 1 (pending)	SB 465-Hoskins, with SCS
SB 306-Bernskoetter, with SCS	SB 466-Hoskins, with SCS
SB 313-Eigel	SB 473-Brown
SB 316-Hough	SB 481-Hough, et al
SB 317-May	SB 506-Bean
SB 318-May, with SCS	SB 529-Cierpiot
SB 334-Bernskoetter	SB 547-Hoskins, with SCS
SB 343-Brown	SB 561-Gannon
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 562-Schupp
SB 360-Wieland, with SCS	SB 577-Riddle, with SCS
SB 361-Wieland	SB 582-Eslinger
SB 369-White	SB 604-Koenig, with SCS
SB 370-Brown	SJR 2-Onder, with SCS
SB 372-Riddle	SJR 4-Koenig
SB 375-Eigel	SJR 7-Eigel
	SJR 12-Luetkemeyer
	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 271, with SCS (Crawford)	HB 476-Grier (Bernskoetter) (In Fiscal Oversight)
HB 333-Simmons (Onder)	HB 850-Wiemann (Eigel)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 404-Aldridge (May)
HB 202-McGill (Gannon)	HB 449-Tate (Gannon)

HB 522-Windham (Williams)
HB 640-Morse (Bean)
HB 1053-Patterson (Onder)

HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

RESOLUTIONS

Reported from Committee

SCR 4-Burlison
SCR 8-Hoskins
SCR 9-Moon

SCR 11-Brattin
SR 90-Onder
HCS for HCRs 4 & 5 (Roberts)

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY—MONDAY, APRIL 26, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“The heavens are telling the glory of God; and the firmament proclaims his handiwork.” (Psalm 19:1)

Heavenly Father, what a wonderful day for us to be up and about. It is always wonderful to see and feel the sun on our face and the joy at seeing the changing landscape. We celebrate the joy of this ordinary day and the gift that it holds for us. It is good to have the quiet of our drive here before the diversions pile up and the demand for more late nights call out for our attention. Be with us and provide more of such quiet moments so we can be attentive to what You require for us to complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 22, 2021 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator May offered Senate Resolution No. 320, regarding Susan D. Kidder, Saint Louis, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 321, regarding Jacob Matthew Heflin, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 322, regarding Emmit James Gabelsberger, Taos, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 323, regarding Trevor Dudenhoeffer, Taos, which was adopted.

Senator Eigel offered Senate Resolution No. 324, regarding Tristan Jenkins, Saint Charles, which was adopted.

Senator Hoskins offered Senate Resolution No. 325, regarding Allison R. Weber, Marshall, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 326, regarding the death of Henry Vernon Dahl, which was adopted.

Senator Wieland offered Senate Resolution No. 327, regarding Dillon Houser, Barnhart, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

April 22, 2021

TO THE SECRETARY OF THE SENATE
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 2 entitled:

AN ACT

To repeal sections 620.2005 and 620.2010, RSMo, and to enact in lieu thereof two new sections relating to economic incentives for the creation of military jobs, with an emergency clause.

On April 22, 2021, I approved Senate Substitute for Senate Bill No. 2.

Respectfully Submitted,

/s/ Michael L. Parson

Michael L. Parson

Governor

MESSAGES FROM THE HOUSE

The following corrected message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 352**, entitled:

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to the

inmate canteen fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 835**, entitled:

An Act to repeal sections 153.030, 153.034, 204.300, 204.569, 204.610, 386.370, 393.106, 393.135, 393.137, 393.170, 393.355, 393.358, 393.1073, 394.120, 400.9-109, and 523.262, RSMo, and to enact in lieu thereof twenty-six new sections relating to utilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1212**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on federal government oversight.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 253**, entitled:

An Act to repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, 162.491, and 167.151, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 849**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to historic buildings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 158—Local Government and Elections.

HB 352—Transportation, Infrastructure and Public Safety.

HCS for HB 1204—Governmental Accountability and Fiscal Oversight.

HCS for HBs 928 & 927—Insurance and Banking.

HCS for HB 160—Local Government and Elections.

HCS for HB 734—Commerce, Consumer Protection, Energy and the Environment.

REFERRALS

President Pro Tem Schatz referred **HCS for HB 529**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HB 384**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HB 697**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HJR 35**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 542**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **HB 948**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **HB 249**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS for HB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS for HBs 85 and 310**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 670**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 488**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the

following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS No. 2** for **HB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HCS** for **HBs 557** and **560**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 578**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 687**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 661**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 530** and **HCS** for **HB 292**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HS** for **HB 297**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 624**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Hoskins moved that **SB 98**, with **SCS**, be called from the Informal Calendar and taken up

for perfection, which motion prevailed.

SCS for SB 98, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 98

An Act to repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof thirty-three new sections relating to gaming, with penalty provisions and a referendum clause.

Was taken up.

Senator Hoskins moved that **SCS for SB 98** be adopted.

Senator Hoskins offered **SS for SCS for SB 98**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 98

An Act to repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 313.905, 313.915, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof thirty-five new sections relating to gaming, with penalty provisions.

Senator Hoskins moved that **SS for SCS for SB 98** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Pages 39-40, Section 313.435, Lines 1-20, by striking all of said lines and inserting in lieu thereof the following:

“313.435. No video lottery game terminal authorized pursuant to the provisions of sections 313.425 to 313.437 shall be placed or operated within the corporate limits of a municipality or an unincorporated area of a county unless such municipality’s governing body or such county’s governing body has adopted an ordinance authorizing the placement and operation of such video lottery game terminals. A municipality or county governing body adopting an ordinance authorizing the placement and operation of video lottery game terminals shall file a copy of such ordinance with the commission within thirty days of adopting such ordinance. Upon receipt of a notification of such ordinance authorizing the placement of video lottery game terminals, the commission may license video lottery game retailers in such municipality and unincorporated areas of a county and allow licensed video lottery game terminal operators to place and operate video lottery game terminals in accordance with the provisions of sections 313.425 to 313.437.”.

Senator Hoskins moved that the above amendment be adopted.

Senator Eslinger assumed the Chair.

Senator Hoskins offered **SSA 1 for SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 39, Section

313.435, Lines 3-4, by striking “hundred eighty days” and inserting in lieu thereof the following: “**year**”; and

Further amend said bill and section, page 40, line 8, by striking “hundred eighty days” and inserting in lieu thereof the following: “**year**”.

Senator Hoskins moved that the above substitute amendment be adopted, which motion prevailed, rendering **SA 1** moot.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

Senator Roberts offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 28, Section 313.429, Line 93, by striking “felony or a”.

Senator Roberts moved that the above amendment be adopted.

Senator White offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 28, Section 313.429, Line 93, by inserting immediately after “felony” the following: “**involving fraud or dishonesty,**”.

Senator White moved that the above substitute amendment be adopted.

Senator Schatz requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2**. He was joined in his request by Senators Burlison, Luetkemeyer, Moon and Onder.

At the request of Senator White, **SSA 1** for **SA 2** was withdrawn.

At the request of Senator Roberts **SA 2** was withdrawn.

Senator Brattin offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Pages 55-56, Section 313.1000, Lines 99-105, by striking all of said lines; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend page 68, section 313.1014, line 95, by inserting immediately after “one” the following: “**and tier two**”; and further amend lines 96-101, by striking all of said lines; and further amend said section by renumbering the remaining subdivision accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Bean offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 42, Section

313.800, Line 66, by striking the word “or” and inserting in lieu thereof a comma “,”; and further amend line 67, by inserting immediately after “facility” the following: “, **or any nonfloating facility**”; and further amend line 69, by striking the following: “shall for the purposes of”; and further amend line 70, by striking “section 313.820 mean”; and

Further amend said bill and section, page 43, lines 84-85, by striking “his or her” and inserting in lieu thereof the following: “**the player’s**”; and further amend line 88, by striking “his or her” and inserting in lieu thereof the following: “**the player’s**”; and further amend line 105, by inserting immediately after “filled” the following: “**wholly or partially**”; and further amend said line, by striking the following: “for docking purposes”; and further amend line 111, by inserting immediately after “(20)” the following: “**Nonfloating facility, any structure within one thousand feet of the Missouri or Mississippi River that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers or structures;**

(21)”; and further amend said section by renumbering the remaining subdivision accordingly; and

Further amend said bill and section, page 44, line 118, by inserting immediately after “2.” the following: “**(1)**”; and further amend line 132, by striking “his or her” and inserting in lieu thereof the following: “**the petitioner’s**”; and further amend line 134, by striking “(1)” and inserting in lieu thereof the following: “**(a)**”; and further amend line 136, by striking “(2)” and inserting in lieu thereof the following: “**(b)**”; and further amend line 138, by inserting immediately before the word “All” the following: “**(2)**”; and

Further amend said bill and section, page 45, line 151, by inserting after all of said line the following:

“313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions, provided that the commission shall not establish any regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a

licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed

excursion gambling boat;

(16) [Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812.] The commission shall base its decision to [allow continuously docked] **license** excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. [In addition,] The commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for [continuous-docking] excursion gambling **boats** that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning [the possibility of continuous docking, as described in subdivision (15) of this section,] **the transition from a boat, barge, or floating facility to a nonfloating facility** within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

313.812. 1. **(1)** The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate [and] **or** dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

[**(1)**] **(a)** The recommended number of licensed excursion gambling boats operating in such city or county;

[**(2)**] **(b)** The recommended licensee or licensees operating in such city or county;

[**(3)**] **(c)** The community's economic development or impact and affirmative action plan concerning

minorities' and women's ownership, contracting and employment for the waterfront development;

[(4)] (d) The city or county proposed sharing of revenue with any other municipality;

[(5)] (e) Any other information such city or county deems necessary; and

[(6)] (f) Any other information the commission may determine is necessary.

(2) The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and, **if applicable**, the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission

approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established the applicant's good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. Except as provided in section 313.817, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, other than a credit instrument, [must] **shall** be deposited within twenty-four hours. Except for any credit instrument, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. (1) Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition.

(2) The question shall be submitted in substantially the following form:

Shall the City (County) of _____ allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES

☐ NO

(3) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection,

except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by [himself] **such person** or [his] **such person's** agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;

(8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.”; and

Further amend the title and enacting clause accordingly.

Senator Bean moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 23, Section 313.427, Line 62, by striking “(10)” and inserting in lieu thereof the following: “**(11)**”.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Hoskins, **SB 98**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTION OF GUESTS

Senator Hoskins introduced to the Senate, Allison Weber, Mike Weber; and Tammy Weber, Marshall.

Senator Riddle introduced to the Senate, Blake Wright, Verona.

Senator Schupp introduced to the Senate, her husband, Mark Schupp, Creve Coeur.

Senator Hough introduced to the Senate, his sons, William and Samuel Hough.

Senator Hoskins introduced to the Senate, his wife, Michelle Hoskins.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—TUESDAY, APRIL 27, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 253-Fishel

HCS for HB 849

THIRD READING OF SENATE BILLS

SCS for SB 272-Mosley (In Fiscal Oversight)
SB 36-Bernskoetter (In Fiscal Oversight)
SS for SB 45-Hough (In Fiscal Oversight)
SB 78-Beck

SB 323-May
SS#2 for SCS for SB 202-Cierpiot
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 265-Eslinger
SB 231-Burlison

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 349 (Koenig)
(In Fiscal Oversight)
2. HCS for HJR 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight)
3. HCS#2 for HB 75 (Onder)
4. HCS for HB 362, with SCS (Wieland)
5. HB 657-Trent, with SCS (Hough)
6. HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097 (Bernskoetter)
(In Fiscal Oversight)
7. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight)
8. HCS for HB 15, with SCS (Hegeman)
9. HB 273-Hannegan, with SCS (Riddle)
10. HCS for HB 574 (Riddle)
11. HCS for HB 529, with SCS (Hoskins)
(In Fiscal Oversight)
12. HCS for HB 384, with SCS
13. HCS for HB 697, with SCS (Crawford)
14. HB 604-Gregory (51), with SCS
(Crawford)
15. HCS for HJR 35 (Schatz)
16. HB 542-Shields (Burlison)

17. HB 948-Francis, with SCS (Hoskins)
18. HB 249-Ruth (Wieland)
19. HCS for HB 685, with SCS (Brown)
20. HCS for HBs 85 & 310, with SCS
(Burlison)
21. HB 670-Houx (Moon)
22. HB 488-Hicks, with SCS (Burlison)
23. HCS for HB 1 (Hegeman)
24. HCS for HB 2, with SCS (Hegeman)
25. HCS for HB 3, with SCS (Hegeman)
26. HCS for HB 4, with SCS (Hegeman)
27. HCS for HB 5, with SCS (Hegeman)
28. HCS for HB 6, with SCS (Hegeman)
29. HCS for HB 7, with SCS (Hegeman)
30. HCS for HB 8, with SCS (Hegeman)
31. HCS for HB 9, with SCS (Hegeman)
32. HCS for HB 10, with SCS (Hegeman)
33. HCS for HB 11, with SCS (Hegeman)
34. HCS for HB 12, with SCS (Hegeman)
35. HCS for HB 13, with SCS (Hegeman)
36. HCS#2 for HB 69, with SCS (Bean)
37. HCS for HBs 557 & 560 (White)
38. HB 578-Bromley, with SCS (Brown)

39. HB 687-Riley (Hough)
 40. HB 661-Ruth (Brown)
 41. HB 530 & HCS for HB 292, with SCS
 (Luetkemeyer)

42. HS for HB 297
 43. HB 624-Richey (Arthur)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)
 SB 3-Hegeman
 SB 7-Riddle, with SS & SA 1 (pending)
 SB 10-Schatz, with SS (pending)
 SB 11-Schatz, with SS & SA 1 (pending)
 SB 24-Eigel, with SS#2 (pending)
 SB 30-Cierpiot
 SB 39-Burlison and Brattin
 SB 47-Hough
 SB 54-O'Laughlin, with SCS
 SBs 55, 23 & 25-O'Laughlin, et al, with
 SCS & SS for SCS (pending)
 SB 62-Williams, with SCS
 SB 65-Rehder, with SCS
 SB 74-Bean, with SCS
 SB 92-Riddle, with SCS
 SB 94-Onder with SS, SA1 to SS & SA 1 to
 SA 1 (pending)
 SB 95-Onder, with SCS
 SB 96-Hoskins, with SCS
 SB 98-Hoskins, with SCS & SS for SCS
 (pending)
 SB 100-Koenig, with SCS
 SB 105-Crawford, with SCS
 SB 114-Bernskoetter
 SB 123-Hough, with SS & SA 2 (pending)
 SB 131-Luetkemeyer
 SB 132-O'Laughlin, with SCS
 SB 134-O'Laughlin and Cierpiot
 SB 137-Brattin
 SB 138-Brattin, with SCS

SB 139-Bean
 SB 149-Onder
 SB 163-Cierpiot
 SB 168-Burlison
 SB 169-Burlison
 SB 174-Hough, with SCS
 SB 179-Luetkemeyer
 SB 182-O'Laughlin
 SB 183-O'Laughlin
 SB 184-Bean, with SCS
 SB 195-Koenig
 SB 198-Eigel, with SCS
 SB 204-Cierpiot, with SCS
 SB 206-Arthur
 SB 218-Luetkemeyer, with SCS
 SB 227-Arthur
 SB 236-Hough, with SCS
 SB 244-Onder
 SB 253-Hegeman
 SB 254-Riddle, with SCS, SS for SCS &
 SA 2 (pending)
 SB 255-Riddle
 SB 282-Hegeman, with SCS
 SB 287-Crawford
 SB 291-Brown
 SB 295-Crawford, with SCS
 SB 301-Bernskoetter, with SCS & SA 1
 (pending)
 SB 306-Bernskoetter, with SCS
 SB 313-Eigel
 SB 316-Hough

SB 317-May	SB 437-Hoskins
SB 318-May, with SCS	SB 459-Brattin, with SCS
SB 334-Bernskoetter	SB 465-Hoskins, with SCS
SB 343-Brown	SB 466-Hoskins, with SCS
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 473-Brown
SB 360-Wieland, with SCS	SB 481-Hough, et al
SB 361-Wieland	SB 506-Bean
SB 369-White	SB 529-Cierpiot
SB 370-Brown	SB 547-Hoskins, with SCS
SB 372-Riddle	SB 561-Gannon
SB 375-Eigel	SB 562-Schupp
SB 383-Moon	SB 577-Riddle, with SCS
SB 390-Luetkemeyer	SB 582-Eslinger
SB 399-Eigel	SB 604-Koenig, with SCS
SB 400-Onder, with SCS	SJR 2-Onder, with SCS
SB 404-Riddle	SJR 4-Koenig
SB 408-Wieland	SJR 7-Eigel
SB 434-Washington	SJR 12-Luetkemeyer
	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 271, with SCS (Crawford)	HB 850-Wiemann (Eigel)
HB 333-Simmons (Onder)	
HB 476-Grier (Bernskoetter)	
(In Fiscal Oversight)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 640-Morse (Bean)
HB 202-McGill (Gannon)	HB 1053-Patterson (Onder)
HB 404-Aldridge (May)	HB 296-Wallingford (White)
HB 449-Tate (Gannon)	HB 298-Wallingford (White)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)

RESOLUTIONS

Reported from Committee

SCR 4-Burlison
SCR 8-Hoskins
SCR 9-Moon

SCR 11-Brattin
SR 90-Onder
HCS for HCRs 4 & 5 (Roberts)

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY—TUESDAY, APRIL 27, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“The Lord answer you in the day of trouble! The name of the God of Jacob protect you!” (Psalm 20:1)

Omnipresence God, bless us this day with Your gentle and caring power that following the path You have laid out for us this day we may certainly know the power of Your love to care for those with whom we may disagree this day. Grant us the courage to say what is within our hearts that clarity and comprehension of what we are trying to put forth is clearly understood. And we pray we may find our efforts bring a helpful resolution to what must be addressed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wieland offered Senate Resolution No. 328, regarding Cassidy Lynn Overmann, Barnhart,

which was adopted.

Senator Wieland offered Senate Resolution No. 329, regarding Erin Lambert, Fenton, which was adopted.

Senator Wieland offered Senate Resolution No. 330, regarding Abigail Wieberg, Imperial, which was adopted.

Senator Williams offered Senate Resolution No. 331, regarding Lindsey A. Burns, Warrensburg, which was adopted.

Senator Williams offered Senate Resolution No. 332, regarding Hailey LeMaster, Blue Springs, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 36**, **SS** for **SB 45** and **SCS** for **SB 272**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 271**, with **SCS**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local government expenditure database.

Was called from the Informal Calendar and taken up by Senator Crawford.

SCS for **HCS** for **HB 271**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 271

An Act to repeal section 50.166, RSMo, and to enact in lieu thereof ten new sections relating to expenditures of local governments.

Was taken up.

Senator Crawford moved that **SCS** for **HCS** for **HB 271** be adopted.

Senator Crawford offered **SS** for **SCS** for **HCS** for **HB 271**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 271

An Act to repeal sections 50.166, 59.021, 59.100, and 451.040, RSMo, and to enact in lieu thereof thirteen new sections relating to local government, with an existing penalty provision.

Senator Crawford moved that **SS** for **SCS** for **HCS** for **HB 271** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 1, In the Title, Line 5, by inserting after “provision” the following: “, with an emergency clause for a certain section”; and

Further amend said bill, page 7, section 59.100, line 15, by inserting after all of said line the following:

“67.265. 1. For purposes of this section, the term “order” shall mean a public health order, ordinance, rule, or regulation issued by a political subdivision, including by a health officer, local public health agency, public health authority, or the political subdivision’s executive, as such term is defined in section 67.750, in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease. Notwithstanding any other provision of law to the contrary:

(1) Any order issued during and related to an emergency declared pursuant to chapter 44 that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more business organizations, churches, schools, or other places of public or private gathering or assembly, including any order, ordinance, rule, or regulation of general applicability or that prohibits or otherwise limits attendance at any public or private gatherings, shall not remain in effect for longer than thirty calendar days in a one hundred eighty-day period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall automatically expire at the end of the thirty days or as specified in the order, whichever is shorter, unless so authorized by a simple majority vote of the political subdivision’s governing body to extend such order or approve a similar order; provided that such extension or approval of similar orders shall not exceed thirty calendar days in duration and any order may be extended more than once; and

(2) Any order of general applicability issued at a time other than an emergency declared pursuant to chapter 44 that directly or indirectly closes an entire classification of business organizations, churches, schools, or other places of public or private gathering or assembly shall not remain in effect for longer than twenty-one calendar days in a one hundred eighty-day period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall automatically expire at the end of the twenty-one days or as specified in the order, whichever is shorter, unless so authorized by a two-thirds majority vote of the political subdivision’s governing body to extend such order or approve a similar order; provided that such extension or approval of similar orders may be extended more than once.

2. The governing bodies of the political subdivisions issuing orders under this section shall at all times have the authority to terminate an order issued or extended under this section upon a simple majority vote of the body.

3. In the case of local public health agencies created through an agreement by multiple counties under chapter 70, all of the participating counties’ governing bodies shall be required to approve or terminate orders in accordance with the provisions of this section.

4. Prior to or concurrent with the issuance or extension of any order under subdivisions (1) and (2) of subsection 1 of this section, the health officer, local public health agency, public health authority, or executive shall provide a report to the governing body containing information supporting the need for such order.

5. No political subdivision of this state shall make or modify any orders that have the effect, directly or indirectly, of a prohibited order under this section.

6. No rule or regulation issued by the department of health and senior services shall authorize a local health official, health officer, local public health agency, or public health authority to create or enforce any order, ordinance, rule, or regulation described in section 192.300 or this section that is inconsistent with the provisions of this section.

192.300. 1. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

(1) Be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198; or

(2) Impose standards or requirements on an agricultural operation and its appurtenances, as such term is defined in section 537.295, that are inconsistent with or more stringent than any provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation promulgated under such chapters.

2. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated.

3. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission or county health board, such commission or county health board shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation.

4. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

5. Any orders, ordinances, rules, or regulations made and promulgated under the authority in this section shall comply with the provisions of section 67.265.”; and

Further amend said bill, page 10, section 451.040, line 103, by inserting after all of said line the following:

“Section B. Because of the threat of government overreach to the residents of Missouri, the enactment of section 67.265 and the repeal and reenactment of section 192.300 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 67.265 and the repeal and reenactment of section 192.300 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

Senator Rowden offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 3, Section 192.300, Line 87, by inserting immediately after “with” the following: “, **in addition to, different from,**”.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Onder moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator O’Laughlin offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“91.450. Any city of the third or fourth class, and any town or village, and any city now organized or which may hereafter be organized and having a special charter, and which now has or may hereafter have less than thirty thousand inhabitants, shall have power to erect or to acquire, by purchase or otherwise, maintain and operate, waterworks, gas works, electric light and power plant, steam heating plant, or any other device or plant for furnishing light, power or heat, telephone plant or exchange, street railway or any other public transportation, conduit system, public auditorium or convention hall, which are hereby declared public utilities, and such cities, towns or villages are hereby authorized and empowered to provide for the erection or extension of the same by the issue of bonds therefor, and any city, town or village which may own, maintain or operate, and which may hereafter acquire, by purchase or otherwise, and operate, or which may engage in the construction of any of the plants, systems or works mentioned in this section, is hereby authorized and empowered to establish, by ordinance, within such city, town or village, an executive department to be known as “The Board of Public Works”, to consist of four persons, electors of said city, town or village, who have resided therein for a period of two years next before their appointment, **or any resident of the county that receives services from such board**, who shall be appointed by the mayor of such city, town or village, and confirmed by the common council in such manner as other appointive officers of such city, town or village are appointed and confirmed. The members of such board shall hold office for a term of four years each, or until their successors are appointed and qualified; provided, that the members of said board shall hold office for a term of four years each, except the first incumbents, as members of said board of public works, who shall be appointed and hold office for the term of one, two,

three and four years respectively.”; and

Further amend the title and enacting clause accordingly.

Senator O’Laughlin moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 5, Section 37.1098, Line 13, by inserting after all of said line the following:

“49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification and any county of the third, second, or first classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.

3. In the absence of a local agreement otherwise, for any courthouse that contains both county offices and court facilities, the presiding judge of the circuit may establish rules and procedures for court facilities and areas necessary for court-related ingress, court-related egress and other reasonable court-related usage, but the county commission shall have authority over all other areas of the courthouse.”; and

Further amend said bill, page 6, Section 50.166, line 29, by inserting after all of said line the following:

“50.660. All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for

the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than [six] **twelve** thousand dollars. It is not necessary to obtain bids on any purchase in the amount of [six] **twelve** thousand dollars or less made from any one person, firm or corporation during any period of ninety days. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

50.783. 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

- (1) Supplies are proprietary and only available from the manufacturer or a single distributor; or
- (2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
- (3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is over [six] **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is over [six] **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.”; and

Further amend said bill, page 7, Section 59.100, line 15, by inserting after all of said line the following:

“115.646. No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision, **including school districts and charter schools**, to advocate, support, or oppose **the passage or defeat of any ballot measure or the nomination or election of any candidate for public office, or to direct any public funds to, or pay any debts or obligations of, any committee supporting or opposing such ballot measures or candidates**. This section shall not be construed to prohibit any public official of a political subdivision, **including school districts and charter schools**, from making public appearances or from issuing press releases concerning any such ballot measure. **Any purposeful violation of this section shall be punished as a class four election offense.**

221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

(1) Until July 1, 1996, seventeen dollars per day per prisoner;

(2) On and after July 1, 1996, twenty dollars per day per prisoner;

(3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations[, but not less than the amount appropriated in the previous fiscal year].

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on

behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.”; and

Further amend said bill, page 10, Section 451.040, line 103, by inserting after all of said line the following:

“476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of [the courthouse,] **court facilities, including courtrooms, jury rooms, and chambers or offices of the court;** serving court-generated papers and orders[.]; and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years’ prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

(1) Serve process;

(2) Wear a concealable firearm; and

(3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven. **Beginning January 1, 2023, there shall be seven circuit judges in the eleventh judicial circuit, and these judges shall sit in divisions numbered one, two, three, four, five, seven, and fifteen.**

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006. **The circuit judge in division fifteen shall be elected in 2022.**

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the treatment court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position [retains] **may retain** the duties and responsibilities with regard to the treatment court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator White offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 6, Section 50.166, Line 29, by inserting after all of said line the following:

“50.327. 1. Notwithstanding any other provisions of law to the contrary, the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, 57.317, 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials’ salaries, in accordance with Section 13,

Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742 may be increased by up to two thousand dollars greater than the compensation provided by the salary schedules; provided, however, that any vote to increase compensation be effective for all county offices in that county.

3. Upon majority approval of the salary commission, the annual compensation of a county sheriff as provided in section 57.317 may be increased by up to six thousand dollars greater than the compensation provided by the salary schedule of such section.

4. The salary commission of any county of the third classification may amend the base schedules for the computation of salaries for county officials referenced in subsection 1 of this section to include assessed valuation factors in excess of three hundred million dollars; provided that the percentage of any adjustments in assessed valuation factors shall be equal for all such officials in that county.

5. Upon the majority approval of the salary commission, the annual compensation of a county coroner of any county of the second classification as provided in section 58.095 may be increased up to fourteen thousand dollars greater than the compensation provided by the salary schedule of such section.”; and

Further amend the title and enacting clause accordingly.

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“67.1847. Any entity engaged in providing fiber networks to customers using fiber networks, built whole or in part in a political subdivision’s right-of-way, who is not subject to franchise fees or gross receipts tax before August 28, 2021, shall pay to the political subdivision a gross receipts tax of no more than seven and one-half percent and shall not be charged a linear foot fee.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 1, In the Title, Line 5, by inserting after “provision” the following: “and an emergency clause for a certain section”; and

Further amend said bill, page 7, section 59.100, line 15, by inserting after all of said line the following:

“139.100. 1. **(1)** If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing **and in the absence of an agreement entered into pursuant to subdivision (2) of this subsection**, to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100.

(2) For property tax liabilities incurred on or after January 1, 2020, and on or before December 31, 2020, the collector of any county with a charter form of government and with more than nine hundred fifty thousand inhabitants may enter into an agreement with any taxpayer for the payment of any amount of tax not paid at the time required by law, including a waiver or reduction of penalties and interest on such taxes, provided that any such agreement shall require such taxes to be paid to the collector or postmarked by no later than January 8, 2021.

(3) For any taxpayer that has paid penalties and interest on property tax liabilities not paid at the time required by law, and such penalties and interest are subsequently reduced or waived through an agreement entered into pursuant to subdivision (2) of this subsection, that portion of penalties and interest paid and subsequently reduced or waived may be credited to the taxpayer on such taxpayer's tax liability for the subsequent year. The county may reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties and interest from late payments from the 2020 tax year that were collected and distributed, but were then subsequently reduced or waived pursuant to subdivision (2) of this subsection.

2. Collectors shall, on the day of their annual settlement with the county governing body, file with governing body a statement, under oath, of the amount so received, and from whom received, and settle with the governing body therefor; but, interest shall not be chargeable against persons who are absent from their homes, and engaged in the military service of this state or of the United States. The provisions of this section shall apply to the City of St. Louis, so far as the same relates to the addition of such interest, which, in such city, shall be collected and accounted for by the collector as other taxes, for which he shall receive no compensation.

3. Whenever any collector of the revenue in the state fails or refuses to collect the penalty provided for in this section on state and county taxes, it shall be the duty of the director of revenue and county clerk to charge such collectors with the amount of interest due thereon, as shown by the returns of the county clerk, and such collector shall be liable to the penalties as provided for in section 139.270.

4. For purposes of this section and other provisions of law relating to the timely payment of taxes due on any real or personal property, payments for taxes due on any real or personal property which are delivered by United States mail to the collector, the collector's office, or other officer or office designated by the county or city to receive such payments, of the appropriate county or city, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of taxes due is sent by registered or certified mail, the date of registration or certification shall be deemed the postmark date. No additional tax or penalty shall be imposed under this section on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment or if the postmaster for the jurisdiction where the payment was mailed verifies in writing that the payment was deposited in the United States mail within the prescribed period or on or before the prescribed date, including any extension granted, for making the

payment, and was delayed in delivery because of an error by the United States postal service and not because of an error by the taxpayer. In the absence of a postmark, or if the postmark is illegible or otherwise inconclusive, the collector may use the collector's judgment regarding the timeliness of the payment contained therein and shall document such decision.”; and

Further amend said bill, page 10, section 451.040, line 103, by inserting after all of said line the following:

“Section B. Because of the importance of property tax relief, the repeal and reenactment of section 139.100 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 139.100 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 6, Section 50.166, Line 29, by inserting after all of said line the following:

“50.530. As used in sections 50.530 to 50.745:

(1) “Accounting officer” means county auditor in counties of the first and second classifications and the county clerks in counties of the third and fourth classifications;

(2) “Budget officer” means such person, as may, from time to time, be appointed by the county commission of counties of the first classification except in counties of the first classification with a population of less than one hundred thousand inhabitants according to the official United States Census of 1970 the county auditor shall be the chief budget officer, the presiding commissioner of the county commission in counties of the second classification, unless the county commission designates the county clerk as budget officer, and the county clerk in counties of the third and fourth classification. [Notwithstanding the provisions of this subdivision to the contrary, in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.]; and

Further amend said bill, page 7, section 59.100, line 15, by inserting after all of said line the following:

“162.441. 1. If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters **at a state general election**.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district **at a state general election** to attach the district to one or more adjacent seven-director districts and call an election upon the question

of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district **at a state general election** to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

5. The question shall be **approved by the school district and the ballot language shall include the tax rate and assessed valuation of the school district prior to and after approval of the question.** [submitted in substantially the following form:

Shall the _____ school district be annexed to the _____ school districts effective the _____ day of _____, _____?]

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

8. (1) The school board of any school district which has been attached to a community college district or to another seven-director school district pursuant to this section may submit to the voters at a state general election the question of whether to void any annexation completed pursuant to this section and to return the boundaries of such school district to those in existence prior to the annexation. The question shall be submitted in substantially the following form:

Shall the _____ school district void the annexation to the _____ community college district and return the boundaries of such school district to those in existence prior to the annexation?

(2) If a majority of the votes cast in the district proposing to void the annexation favor voiding the annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which the voiding the annexation is proposed. Upon the effective date of a proposal under this subsection, applicable property and money belonging to the school district shall immediately revert back to the school district.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“67.2680. The state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, upon the provision of satellite or streaming video service.

71.1000. 1. Two or more municipalities may elect to form a broadband infrastructure improvement district for the delivery of broadband internet service to the residents of such municipality, which district shall be a body politic and corporate.

2. A municipality electing to form a district under this section shall submit to the eligible voters of each such municipality a proposition at a general or special election of such municipality, in substantially the following form:

“Shall the municipality of _____ enter into a broadband infrastructure improvement district to be known as _____?”

3. Additional municipalities may be admitted to the district in the manner provided in subsection 8 of this section.

4. A district created under this section shall have the power to partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms “telecommunications company” and “telecommunications facilities” are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450, to the residents of the district. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development.

5. A district may finance the provision or expansion of broadband internet service through grants, loans, bonds, user fees, or a tax as set forth in subsection 6 of this section.

6. (1) Any district may impose by resolution a sales tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525. The sales tax imposed pursuant to this subsection shall not exceed one percent, except that such tax shall not become effective unless the governing body of each municipality member of the district submits to the voters of such municipality at an election held on the first Tuesday after the first Monday in November of even-numbered years, a proposal to authorize the district to impose a tax under the provisions of this subsection. The tax authorized by this subsection shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used solely to provide broadband service to residents of the district. Such tax shall be stated separately from all other charges and taxes.

(2) The ballot shall be substantially in the following form:

“Shall the _____ (insert name of district) impose a district-wide sales tax at the rate of _____ (insert amount) for the purpose of providing broadband service to residents of the district?”

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the question by the qualified voters voting thereon in each municipality are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon in any one municipality are opposed to the question, then the governing body for the district shall have no power to impose the tax authorized by this subsection.

(3) The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087.

7. (1) The district governing board shall be composed of at least one representative from each member, but in no case shall there be less than four representatives.

(2) Annually, on or before the last Monday in April commencing in the year following the effective date of the district’s creation, the local governing body of each member shall appoint a representative to the district governing board for three-year terms. The local governing body of a member, by majority vote, may replace its appointed representative at any time.

(3) For the purpose of transacting business, the presence of representatives representing more than fifty percent of district members shall constitute a quorum. Any action adopted by a majority of the votes cast at a meeting of the governing board at which a quorum is present shall be the action of the board.

(4) Each district member’s representative shall be entitled to cast one vote.

(5) Unless replaced as provided in subdivision (2) of this subsection, a representative on the governing board shall hold office until his or her successor is duly appointed. Any representative may be reappointed to successive terms without limit.

(6) Any vacancy on the board shall be filled within thirty days after such vacancy occurs by appointment of the local governing body which appointed the representative whose position has become vacant. An appointee to a vacancy shall serve until the expiration of the term of the representative whose position to the appointment was made and may thereafter be reappointed.

(7) Each district member may reimburse its representative to the governing board for expenses as it determines reasonable.

(8) (a) The officers of the district shall be the chair and the vice chair of the board, the clerk of the district, and the treasurer of the district.

(b) The chair shall preside at all meetings of the board and shall make and sign all contracts on behalf of the district upon approval by the board. The chair shall perform all duties incident to the position and office.

(c) During the absence of or inability of the chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the vice chair and when so acting, the vice chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the chair.

(d) During the absence or inability of the vice chair to render or perform his or her duties or exercise his or her powers, the board shall elect from among its membership an acting vice chair who shall have the powers and be subject to all the responsibilities hereby given or imposed upon the vice chair.

(e) Upon the death, disability, resignation, or removal of the chair or vice chair, the board shall elect a successor to such vacant office until the next annual meeting.

(9) The board shall adopt bylaws for the regulation of its affairs and the conduct of its business.

8. (1) The board may authorize the inclusion of additional district members in the broadband infrastructure improvement district upon such terms and conditions as in the board's sole discretion shall be deemed to be fair, reasonable, and in the best interests of the district.

(2) Prior to applying for admission to a broadband infrastructure improvement district, a municipality electing to join a district shall submit to the eligible voters of the municipality a proposition at a general or special election of such municipality, in substantially the following form:

"Shall the municipality of _____ join the broadband infrastructure improvement district known as _____?"

The local governing body of any nonmember municipality which desires to be admitted to the district shall make application for admission to the board after an affirmative result from such election.

(3) The board shall determine the financial, economic, governance, and operational effects that are likely to occur if such municipality is admitted and thereafter either grant or deny authority for admission of the petitioning municipality. If the board grants such authority, it shall also specify any terms and conditions, including financial obligations, upon which such admission is predicated. Upon resolution of the board, such applicant municipality shall become a district member.

9. A district member may withdraw from the district in the same manner as the vote for admission to the district set forth in subsection 8 of this section.

10. Dissolution of a broadband infrastructure improvement district created pursuant to this section shall follow the procedures established in sections 67.950 and 67.955."; and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor’s books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year, **provided that no real residential property shall be assessed at a value that exceeds the previous assessed value for such property, exclusive of new construction and improvements, by more than the percentage increase in the consumer price index or five percent, whichever is greater.** The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor’s plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal

techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines

that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and

improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential

in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444."; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following;

"82.390. 1. Beginning January 1, 1998, the license collector of the City of St. Louis shall receive a salary of fifty-eight thousand three hundred dollars per year and beginning January 1, 1999, the license collector of the City of St. Louis shall receive a salary of sixty-four thousand one hundred thirty dollars, payable as provided in section 82.395. Beginning [January 1, 2000, the compensation of the license collector of the City of St. Louis] **January 1, 2022, the license collector of the city of St. Louis shall receive a salary of one hundred twenty-five thousand dollars per year and such salary** may be annually increased by an amount equal to the annual salary adjustment for employees of the City of St. Louis as approved by the board of aldermen of such city.

2. The license collector may appoint one chief deputy, and one assistant deputy license collector, either of whom, in the absence for any cause of the license collector, may perform all the duties of the license collector. The license collector may appoint a cashier, an assistant cashier, a secretary and such other clerks, account clerks and inspectors as are required by the license collector to properly and efficiently perform the duties of the license collector's office when such positions are approved by the board of aldermen of such city.

3. The salaries and compensation of the employees enumerated in subsection 2 of this section shall be payable as provided in section 82.395.

4. The license collector, deputy license collector and clerks may administer oaths in the transaction of the business of the office. The license collector and the license collector's sureties are responsible for the official acts of all employees appointed by the license collector."; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

"67.990. 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with

more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993 and, **if in a county**, only in accordance with the fund budget approved by the county [or city] governing body.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall _____ (name of county/city) levy a tax of _____ cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?

☐ YES

☐ NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of the county or city not within a county, the tax so approved shall be imposed upon all taxable property within the county or city and the proceeds therefrom shall be deposited in a special fund, to be known as the “Senior Citizens’ Services Fund”, which is hereby established within the county or city treasury. No moneys in the senior citizens’ services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.

2. Upon approval of the tax authorized by section 67.990 by the voters of the county or city, the governing body of the county or the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the county or city at large and shall, as nearly as practicable, represent the various groups to be served by the board. Each director shall be a resident of the county or city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the governing body of the county or mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the senior citizens’ services fund.

3. The administrative control and management of the funds in the senior citizens’ services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section[;], except [that], **in counties**, the budget for the senior citizens’ services fund shall be approved by the governing body of the county [or city] prior to making of any payments from the fund in any fiscal year. The board of directors shall use the funds in the senior citizens’ services fund to provide programs which will improve the health, nutrition, and quality of life of persons who are sixty years of age or older. The budget may allocate funds for operational and capital needs to senior-related programs in the county or city in which such property taxes are collected. No funds in the senior citizens’ services fund may

be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating, in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 67.990.

4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A majority of the board of directors shall constitute a quorum.

5. The board of directors, with the approval of the governing body of the county or city, may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and funded under sections 67.990 to 67.995[,] and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange are used exclusively to fund such programs. **For a city not within a county, the board of directors may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.”; and**

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Moon offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 10, Section 451.040, Line 103, by inserting after all of said line the following:

“Section 1. No county, city, town or village in this state receiving public funds shall require documentation of an individual having received a vaccination against any disease in order for the individual to access transportation systems or services or any other public accommodations.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator Onder offered **SA 1 to SA 12**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 1, Lines 5-6, by striking the words “any disease” and inserting in lieu thereof the following: **“COVID-19”**.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Hough assumed the Chair.

Senator Moon moved that **SA 12**, as amended, be adopted, which motion prevailed.

Senator Brown offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“304.900. 1. As used in this section, the following terms mean:

(1) “Agent”, a person given the responsibility, by an entity, of navigating and operating a personal delivery device;

(2) “Personal delivery device”, a powered device operated primarily on sidewalks and crosswalks, intended primarily for the transport of property on public rights-of-way, and capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a “personal delivery device” shall not be defined as a motor vehicle or a vehicle;

(3) “Personal delivery device operator”, an entity or its agent that exercises physical control or monitoring over the navigation system and operation of a personal delivery device. A “personal delivery device operator” does not include an entity or person that requests or receives the services of a personal delivery device for the purpose of transporting property or an entity or person who merely arranges for and dispatches the requested services of a personal delivery device.

2. Notwithstanding any other provision of law, a personal delivery device is authorized to operate in this state:

(1) On any sidewalk or crosswalk of any county or municipality in the state; and

(2) On any roadway of any county or municipality in the state, provided that the personal delivery device shall not unreasonably interfere with motor vehicles or traffic.

3. A personal delivery device shall:

(1) Not block public rights-of-way;

(2) Obey all traffic and pedestrian control signals and devices;

(3) Operate at a speed that does not exceed a maximum speed of ten miles per hour on a sidewalk or crosswalk;

(4) Contain a unique identifying number that is displayed on the device;

(5) Include a means of identifying the personal delivery device operator; and

(6) Be equipped with a system that enables the personal delivery device to come to a controlled stop.

4. Subject to the requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the responsibilities applicable to a pedestrian under the same circumstances.

5. A personal delivery device shall be exempt from motor vehicle registration requirements.

6. A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of at least one hundred thousand dollars for damages arising from the combined

operations of personal delivery devices under a personal delivery device operator's control.

7. If the personal delivery device is being operated between sunset and sunrise, it shall be equipped with lighting on both the front and rear of the personal delivery device visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device.

8. A personal delivery device shall not be used for the transportation of hazardous material regulated under the Hazardous Materials Transportation Act, 49 USC Section 5103, and required to be placarded under 49 CFR Part 172, Subpart F.

9. Nothing in this section shall prohibit a political subdivision from regulating the operation of personal delivery devices on a highway or pedestrian area to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of a personal delivery device nor the types of property that may be transported by a personal delivery device. Additionally, no political subdivision shall treat personal delivery devices differently for the purposes of assessment and taxation or other charges from personal property that is similar in nature.

10. A personal delivery device operator may not sell or disclose a personally identifiable likeness to a third party in exchange for monetary compensation. For purposes of this section, a personally identifiable likeness includes photographic images, videos, digital image files, or other digital data that can be used to either directly or indirectly identify an individual. "Personally identifiable likeness" does not include aggregated or anonymized data. The use of any personally identifiable likeness by a personal delivery device operator to improve their products and services is allowed under this section. Information that would otherwise be protected under this section as confidential shall only be provided to a law enforcement entity with a properly executed, lawful subpoena."; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered **SA 14:**

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 10, Section 451.040, Line 103, by inserting after all of said line the following:

"488.2235. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to five dollars per case for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be collected by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the restoration, maintenance and upkeep of the municipal courthouse. The costs collected may be pledged to directly or indirectly secure bonds for the cost of restoration, maintenance and upkeep of the courthouse.

4. The provisions of this section shall expire August 28, [2021] 2026."; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Bernskoetter offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“91.025. 1. As used in this section, the following terms mean:

(1) “Municipally owned or operated electric power system”, a system for the distribution of electrical power and energy to the inhabitants of a municipality which is owned and operated by the municipality itself, whether operated under authority pursuant to this chapter or under a charter form of government;

(2) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure’s anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(3) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical corporation, rural electric cooperative, municipally owned or operated electric power system, or joint municipal utility commission. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a municipally owned or operated electrical system, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by a customer, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over municipally owned or operated electric systems to accomplish the purpose of this section. The commission’s jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such municipally owned or operated electrical system, and nothing in this section, section 393.106, and section 394.315 shall affect the rights, privileges or duties of any municipality to form or operate municipally owned or operated electrical systems. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it

occurred.

3. Notwithstanding the provisions of this section, section 393.106, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

386.800. 1. No municipally owned electric utility may provide electric energy at retail to any structure located outside the municipality's corporate boundaries after July 11, 1991, unless:

(1) The structure was lawfully receiving permanent service from the municipally owned electric utility prior to July 11, 1991; or

(2) The service is provided pursuant to an approved territorial agreement under section 394.312; **or**

(3) The service is provided pursuant to lawful municipal annexation and subject to the provisions of this section; or

(4) The structure is located in an area which was previously served by an electrical corporation regulated under chapter 386, and chapter 393, and the electrical corporation's authorized service territory was contiguous to or inclusive of the municipality's previous corporate boundaries, and the electrical corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11, 1991. In the event that a municipally owned electric utility in a city with a population of more than one hundred twenty-five thousand located in a county of the first class not having a charter form of government and not adjacent to any other county of the first class desires to serve customers beyond the authorized service territory in an area which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this subdivision, **in the absence of an approved territorial agreement under section 394.312** the municipally owned utility shall apply to the public service commission for an order assigning nonexclusive service territories **and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located in or within one mile outside of the boundaries of the proposed expanded service territory.** The proposed service area shall be contiguous to the authorized service territory which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as a condition precedent to the granting of the application. The commission shall have one hundred twenty days from the date of application to grant or deny the requested order. The commission **after hearing** may grant the order upon a finding that granting of the applicant's request is not detrimental to the public interest. In granting the applicant's request the commission shall give due regard to territories previously granted to **or served by** other electric service suppliers **and the wasteful duplication of electric service facilities.**

2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its **electric** service territory to include [any structure located within a newly annexed area which has not received permanent service from another supplier within ninety days prior to the effective date of the annexation] **areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities with adequate and necessary service capability located in or within one mile outside the boundaries of the area proposed to be annexed, a majority of the existing developers, landowners, or prospective electric customers in the area proposed to be annexed may, anytime within forty-five days prior to the effective date of the**

annexation, submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations under section 394.312 to determine which electric service supplier is best suited to serve all or portions of the newly annexed area. In such negotiations the following factors shall be considered, at a minimum:

- (1) The preference of landowners and prospective electric customers;**
- (2) The rates, terms, and conditions of service of the electric service suppliers;**
- (3) The economic impact on the electric service suppliers;**
- (4) Each electric service supplier's operational ability to serve all or portions of the annexed area within three years of the date the annexation becomes effective;**
- (5) Avoiding the wasteful duplication of electric facilities;**
- (6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and**
- (7) Preventing the waste of materials and natural resources.**

If the municipally owned electric utility and rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then they may submit proposals to those submitting the original written request, whose preference shall control, section 394.080 to the contrary notwithstanding, and the governing body of the annexing municipality shall not reject the petition requesting annexation based on such preference. This subsection shall not apply to municipally-owned property in any newly annexed area.

3. In the event an electrical corporation rather than a municipally-owned electric utility lawfully is providing electric service in the municipality, all the provisions of subsection 2 shall apply equally as if the electrical corporation were a municipally-owned electric utility, except that if the electrical corporation and the rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then either electric service supplier may file an application with the commission for an order determining which electric service supplier should serve, in whole or in part, the area to be annexed. The application shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. The commission after the opportunity for hearing shall make its determination after consideration of the factors set forth in subdivisions (1) through (7) of subsection 2 of this section, and section 394.080 to the contrary notwithstanding, may grant its order upon a finding that granting of the applicant's request is not detrimental to the public interest. The commission shall issue its decision by report and order no later than one hundred twenty days from the date of the application unless otherwise ordered by the commission for good cause shown. Review of such commission decisions shall be governed by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the commission shall charge to the rural electric cooperative the appropriate fees as set forth in subsection 9 of this section.

[3.] 4. When a municipally owned electric utility desires to extend its service territory to include any structure located within a newly annexed area which has received permanent service from another electric service supplier within ninety days prior to the effective date of the annexation, it shall:

- (1) Notify by publication in a newspaper of general circulation the record owner of said structure, and**

notify in writing any affected electric **service** supplier and the public service commission, within sixty days after the effective date of the annexation its desire to extend its service territory to include said structure; and

(2) Within six months after the effective date of the annexation receive the approval of the municipality's governing body to begin negotiations pursuant to section 394.312 with [any] **the** affected electric **service** supplier.

[4.] **5.** Upon receiving approval from the municipality's governing body pursuant to subsection [3] **4** of this section, the municipally owned electric utility and the affected electric **service** supplier shall meet and negotiate in good faith the terms of the territorial agreement and any transfers or acquisitions, including, as an alternative, granting the affected electric **service** supplier a franchise or authority to continue providing service in the annexed area. In the event that the affected electric **service** supplier does not provide wholesale electric power to the municipality, if the affected electric **service** supplier so desires, the parties [shall] **may** also negotiate, consistent with applicable law, regulations and existing power supply agreements, for power contracts which would provide for the purchase of power by the municipality from the affected electric **service** supplier for an amount of power equivalent to the loss of any sales to customers receiving permanent service at structures within the annexed areas which are being sought by the municipally owned electric utility. The parties shall have no more than one hundred eighty days from the date of receiving approval from the municipality's governing body within which to conclude their negotiations and file their territorial agreement with the commission for approval under the provisions of section 394.312. The time period for negotiations allowed under this subsection may be extended for a period not to exceed one hundred eighty days by a mutual agreement of the parties and a written request with the public service commission.

[5.] **6.** For purposes of this section, the term "fair and reasonable compensation" shall mean the following:

(1) The present-day reproduction cost, new, of the properties and facilities serving the annexed areas, less depreciation computed on a straight-line basis; and

(2) An amount equal to the reasonable and prudent cost of detaching the facilities in the annexed areas and the reasonable and prudent cost of constructing any necessary facilities to reintegrate the system of the affected electric **service** supplier outside the annexed area after detaching the portion to be transferred to the municipally owned electric utility; and

(3) [Four] **Two** hundred percent of gross revenues less gross receipts taxes received by the affected electric **service** supplier from the twelve-month period preceding the approval of the municipality's governing body under the provisions of subdivision (2) of subsection [3] **4** of this section, normalized to produce a representative usage from customers at the subject structures in the annexed area; and

(4) Any federal, state and local taxes which may be incurred as a result of the transaction, including the recapture of any deduction or credit; and

(5) Any other costs reasonably incurred by the affected electric supplier in connection with the transaction.

[6.] **7.** In the event the parties are unable to reach an agreement under subsection [4] **5** of this section, within sixty days after the expiration of the time specified for negotiations, the municipally owned electric utility **or the affected electric service supplier** may apply to the commission for an order assigning

exclusive service territories within the annexed area and a determination of the fair and reasonable compensation amount to be paid to the affected electric **service** supplier under subsection [5] 6 of this section. Applications shall be made and notice of such filing shall be given to all affected parties pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission. The commission shall hold evidentiary hearings to assign service territory between **the** affected electric **service** suppliers inside the annexed area and to determine the amount of compensation due any affected electric **service** supplier for the transfer of plant, facilities or associated lost revenues between electric **service** suppliers in the annexed area. The commission shall make such determinations based on findings of what best serves the public interest and shall issue its decision by report and order. Review of such commission decisions shall be governed by sections 386.500 to 386.550. The payment of compensation and transfer of title and operation of the facilities shall occur within ninety days after the order and any appeal therefrom becomes final unless the order provides otherwise.

[7.] **8.** In reaching its decision under subsection 6 of this section, the commission shall consider the following factors:

(1) Whether the acquisition or transfers sought by the municipally owned electric utility within the annexed area from the affected electric **service** supplier are, in total, in the public interest, including **the preference of the owner of any affected structure**, consideration of rate disparities between the competing electric **service** suppliers, and issues of unjust rate discrimination among customers of a single electric **service** supplier if the rates to be charged in the annexed areas are lower than those charged to other system customers; and

(2) The fair and reasonable compensation to be paid by the municipally owned electric utility, to the affected electric **service** supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers; and

(3) Any effect on system operation, including, but not limited to, loss of load and loss of revenue; and

(4) Any other issues upon which the municipally owned electric utility and the affected electric **service** supplier might otherwise agree, including, but not limited to, the valuation formulas and factors contained in subsections [4, 5 and 6] **5, 6, and 7**, of this section, even if the parties could not voluntarily reach an agreement thereon under those subsections.

[8.] **9.** The commission is hereby given all necessary jurisdiction over municipally owned electric utilities and rural electric cooperatives to carry out the purposes of this section consistent with other applicable law; provided, however, the commission shall not have jurisdiction to compel the transfer of customers or structures with a connected load greater than one thousand kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary costs incurred by the commission in carrying out its duties under this section. **Nothing in this section shall be construed as otherwise conferring upon the public service commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally owned electric utility, except as provided in this section.**

10. Notwithstanding sections 394.020 and 394.080 to the contrary, a rural electric cooperative may provide electric service within the corporate boundaries of a municipality if such service is provided:

(1) Pursuant to subsections 2 through 9 of this section; and

(2) Such service is conditioned upon the execution of the appropriate territorial and municipal franchise agreements, which may include a nondiscriminatory requirement, consistent with other applicable law, that the rural electric cooperative collect and remit a sales tax based on the amount of electricity sold by the rural electric cooperative within the municipality.

393.106. 1. As used in this section, the following terms mean:

(1) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure’s anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential. The commission’s jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing corporations pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section, section 91.025, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

394.020. In this chapter, unless the context otherwise requires,

(1) “Member” means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership;

(2) “Person” includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic; and

(3) “Rural area” shall be deemed to mean any area of the United States not included within the boundaries of any city, town or village having a population in excess of fifteen hundred inhabitants, and such term shall be deemed to include both the farm and nonfarm population thereof. **The number of inhabitants specified in this subsection shall be increased by six percent every ten years after each decennial census beginning in 2030.**

394.315. 1. As used in this section, the following terms mean:

(1) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure’s anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on [a rural electric cooperative] **an electric supplier** to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a rural electric cooperative, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The commission’s jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided herein, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such cooperative, and except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing cooperatives pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11,

1991.

3. Notwithstanding the provisions of this section, section 91.025, section 393.106, and section 394.080 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.”; and

Further amend the title and enacting clause accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Burlison offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 5, Section 37.1098, Line 13, by inserting after all of said line the following:

“49.266. 1. The county commission in all [noncharter] counties **of the first, second, third, or fourth classification** may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.

3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms “missile” and “skyrocket” are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term “consumer fireworks” is defined under section 320.106.

4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

[49.266. 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.

3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms “missile” and “skyrocket” are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term “consumer fireworks” is defined under section 320.106.

4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.]”; and

Further amend said bill, page 10, Section 451.040, line 103, by inserting after all of said line the following:

“620.2450. 1. A grant program is hereby established under sections 620.2450 to 620.2458 to award grants to applicants who seek to expand access to broadband internet service in unserved and underserved areas of the state. The department of economic development shall administer and act as the fiscal agent for the grant program and shall be responsible for receiving and reviewing grant applications and awarding grants under sections 620.2450 to 620.2458. Funding for the grant program established under this section shall be subject to appropriation by the general assembly.

2. Any funds allocated by the state of Missouri for the purposes of the construction of broadband infrastructure shall be distributed by the state subject to the provisions of this grant program unless the provisions of sections 620.2450 to 620.2458 would be out of compliance with any regulations placed on the receipt of such funds and would thus prohibit the expenditure of such funds.

3. As used in sections 620.2450 to 620.2458, the following terms shall mean:

(1) “Underserved area”, a project area without access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per-second download and three megabits per-second upload;

(2) “Unserved area”, a project area without access to wireline or fixed wireless broadband internet service of speeds of at least ten megabits per-second download and one megabit per-second upload.

620.2456. 1. The department of economic development shall not award any grant to an otherwise eligible grant applicant where funding from the Connect America Fund [has] **or Rural Digital Opportunity Funds have** been awarded, where high-cost support from the federal Universal Service Fund has been received by rate of return carriers, or where any other federal funding has been awarded which did not require any matching-fund component, for any portion of the proposed project area, nor shall any grant money be used to serve any retail end user that already has access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per-second download and three megabits per-

second upload.

2. No grant awarded under sections 620.2450 to 620.2458, when combined with any federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose cumulative total exceeds five million dollars.

4. The department of economic development shall endeavor to award grants under sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

5. An award granted under sections 620.2450 to 620.2458 shall not:

(1) Require an open access network;

(2) Impose rates, terms, and conditions that differ from what a provider offers in other areas of its service area;

(3) Impose any rate, service, or any other type of regulation beyond speed requirements set forth in section 620.2451; or

(4) Impose an unreasonable time constraint on the time to build the service.

6. If a grant recipient fails to establish the speed requirements set forth in section 620.2451, then the grant recipient shall return all grant moneys to the department.

620.2460. 1. No federal funds received by the state, political subdivision, city, town, or village through the American Recovery Plan or any other federally passed COVID-19 Relief legislation shall be expended for the construction of broadband internet infrastructure unless the project to be constructed is located in an “unserved area” or “underserved area” as such terms are described in section 620.2450 and such project will provide broadband internet service to customers at speeds of at least twenty-five megabits per-second download and three megabits per-second upload and must be scalable to higher speeds.

2. Prior to a political subdivision, city, town, or village authorizing an expenditure for the construction of broadband infrastructure, the office of broadband development shall certify the project is located within an “unserved area” or “underserved area” as such terms are described in section 620.2450.

3. When the office of broadband development receives a request from a political subdivision, city, town, or village to certify a project is in an “underserved area” or “unserved area” as such terms are described in section 620.2450, the office shall notify each internet service provider that offers service within the census block the project is being constructed prior to the certification of the project.

4. A broadband internet service provider that provides existing service within the census block the project is located may submit to the department of economic development, within forty-five days of notification by the office of broadband development, a written challenge to an application. Such challenge shall contain information demonstrating that:

(1) The provider currently provides broadband internet service to retail customers within the proposed unserved or underserved area;

(2) The provider has taken affirmative steps to begin the process of construction to provide broadband internet service to retail customers within the proposed unserved or underserved area;

or

(3) The provider has been designated funding through federal programs to support the deployment or expansion of broadband networks in the proposed unserved or underserved area.

5. Within three business days of the submission of a written challenge, the department of economic development shall notify the political subdivision, municipality, town, or village.

6. The department of economic development shall evaluate each challenge submitted under this section. If the department determines the challenge to be valid, the project shall not be considered to be in an “unserved area” or “underserved area” the expenditure by the political subdivision, municipality, town, or village shall be prohibited. However, an area shall be considered an unserved or underserved area if the federal funding award supporting a challenge under paragraph (3) of subsection 4 is forfeited or upon disqualification of the recipient entity awarded federal funding for that geographic area.”; and

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Hough assumed the Chair.

Senator Luetkemeyer offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“84.400. 1. Any one of said commissioners so appointed or any member of any such police force who, during the term of his office, shall accept any other place of public trust, or emolument, or who shall knowingly receive any nomination for an office elective by the people, and shall fail to decline such nomination publicly within the five days succeeding such nomination or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to have thereby forfeited and vacated office as such commissioner or member of such police force.

2. Notwithstanding any provisions of law to the contrary, a member of the board or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member or member of such police force may accept payment of a per diem for attending meetings, or if no per diem is provided, reimbursement from such board, commission, or task force for reasonable and necessary expenses for attending such meetings.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special

election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493 which are published within the bounds of the area holding the election. If there is only one so-qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order, but in no event shall a candidate or issue be stricken or removed from the ballot less than eight weeks before the date of the election.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the [sixteenth] **seventeenth** Tuesday prior to the election[, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election]. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the [eleventh] **fourteenth** Tuesday prior to the election. The political subdivision or special district calling an election shall, before

the [sixteenth] **seventeenth** Tuesday, [or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city,] prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification of the notice of election required in subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“67.1153. 1. The authority shall consist of five commissioners, who shall be qualified voters of the state of Missouri and residents of the county in which the authority is created. The commissioners shall be appointed by the [governor with the advice and consent of the senate] **county executive of the county in which the authority is created with the advice and consent of the county legislative body or, if there is no county executive, by the governing body of the county.** No more than three of the commissioners appointed shall be of any one political party, and no elective [or appointed] official of any political subdivision of this state shall be a member of the authority.

2. The authority shall elect from its number a chairman, and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Of the commissioners initially appointed to the authority, one shall serve for two years, one shall serve for three years, one shall serve for four years, one shall serve for five years, and one shall serve for six years. Thereafter, successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each commissioner shall hold office until his successor has been appointed and qualified.

4. The commissioners shall receive no salary for the performance of their duties, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties, to be paid by the authority.

67.1158. 1. The governing body of a county which has established an authority under the provisions of sections 67.1150 to 67.1158 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county, which shall be more than two percent but not more than five percent per occupied room per night, except that such tax shall not become effective unless the

governing body of the county submits to the voters of the county at a state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used by the authority solely for funding the construction and operation of convention, visitor and sports facilities, other incidental facilities, and operation of the authority consistent with the provisions of sections 67.1150 to 67.1158. Such tax shall be stated separately from all other charges and taxes.

2. The question shall be submitted in substantially the following form:

Shall the _____ (County) levy a tax of _____ percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the county, the proceeds of which shall be expended for the funding of convention, visitor and sports facilities, other incidental facilities, and the county convention and sports facilities authority?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the county shall have no power to impose the tax authorized by this section unless and until the governing body of the county resubmits the question and such question is approved by a majority of the qualified voters voting thereon.

3. After the effective date of any tax authorized under the provisions of this section, the county [which] **that** levied the tax may adopt one of the [two] following provisions for the collection and administration of the tax:

(1) The county [which levied the tax] may adopt rules and regulations for the internal collection of such tax by the county officers usually responsible for collection and administration of county taxes; [or]

(2) The county may enter into an agreement with the authority for the authority to collect such tax and perform all functions incident to the administration, collection, enforcement, and operation of such tax. The tax authorized by this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the authority; or

[(2)] **(3)** The county may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any county enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and shall collect the additional tax authorized under the provisions of this section. The tax authorized by this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not less than one percent nor more than three percent for cost of collection.

4. If a tax is imposed by a county under this section, the [county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter] **tax for each calendar quarter shall be due on the first day of the next calendar quarter. If any taxes are not paid within thirty days after the due date, the authority collecting the tax may collect, in addition to the amount of the tax due, one percent interest per month**

on the unpaid taxes and a penalty of two percent per month on the unpaid tax. Any penalty or interest shall be calculated beginning on the original due date. The authority, in its discretion, may abate a portion of the penalty to facilitate the voluntary payment of the tax.

5. If a tax is imposed by a county under this section, either the county or the authority shall have the power to audit the taxed facilities to ensure compliance with the tax by the facility. During such audit, the taxed facilities shall give access to examine necessary records to ensure compliance.

6. Suits to enforce the collection and payment of the tax against the taxed facilities [may] **shall** be filed and prosecuted **only** by the authority. [If suit is filed,] The authority [may] **shall be entitled to** recover [as damages a reasonable] **costs and** attorney's [fee and costs of suit against the taxed facility] **fees incurred by the authority in collecting the tax.**"; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

"137.280. 1. Taxpayers' personal property lists, except those of merchants and manufacturers, and except those of railroads, public utilities, pipeline companies or any other person or corporation subject to special statutory requirements, such as chapter 151, who shall return and file their assessments on locally assessed property no later than April first, shall be delivered to the office of the assessor of the county between the first day of January and the first day of March each year and shall be signed and certified by the taxpayer as being a true and complete list or statement of all the taxable tangible personal property. If any person shall fail to deliver the required list to the assessor by the first day of March, the owner of the property which ought to have been listed shall be assessed a penalty added to the tax bill, based on the assessed value of the property that was not reported, as follows:

Assessed Valuation	Penalty
0 - \$1,000	\$15.00
\$1,001 - \$2,000	\$25.00
\$2,001 - \$3,000	\$35.00
\$3,001 - \$4,000	\$45.00
\$4,001 - \$5,000	\$55.00
\$5,001 - \$6,000	\$65.00
\$6,001 - \$7,000	\$75.00
\$7,001 - \$8,000	\$85.00
\$8,001 - \$9,000	\$95.00
\$9,001 and above	\$105.00

The assessor in any county of the first classification without a charter form of government with a population of one hundred thousand or more inhabitants which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants shall omit assessing the penalty in any case where he or she is satisfied the neglect is unavoidable and not willful or falls into one of the following categories. The assessor in all other political subdivisions shall omit assessing the penalty in any case where he or she is satisfied

the neglect falls into at least one of the following categories:

- (1) The taxpayer is in military service and is outside the state;
- (2) The taxpayer filed timely, but in the wrong county;
- (3) There was a loss of records due to fire or flood;
- (4) The taxpayer can show the list was mailed timely as evidenced by the date of postmark;
- (5) The assessor determines that no form for listing personal property was mailed to the taxpayer for that tax year; or
- (6) The neglect occurred as a direct result of the actions or inactions of the county or its employees or contractors.

2. Between March first and April first, the assessor shall send to each taxpayer who was sent an assessment list for the current tax year, and said list was not returned to the assessor, a second notice that statutes require the assessment list be returned immediately. In the event the taxpayer returns the assessment list to the assessor before May first, the penalty described in subsection 1 of this section shall not apply. If said assessment list is not returned before May first by the taxpayer, the penalty shall apply.

3. It shall be the duty of the county commission and assessor to place on the assessment rolls for the year all personal property discovered in the calendar year which was taxable on January first of that year.

4. If annual waivers exceed forty percent, then by February first of each year, the assessor shall transmit to the county employees' retirement fund an electronic or paper copy of the log maintained under subsection 3 of section 50.1020 for the prior calendar year.

5. An assessor may, upon request of a taxpayer, send any assessment list or notice required by this section to such taxpayer in electronic form.”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Rowden offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“64.207. 1. The county commission of any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants may adopt rules, regulations, or ordinances to ensure the habitability of rented residences.

2. The rules, regulations, or ordinances shall require each rented residence provide:

- (1) Structural protection from the elements;**
- (2) Access to water service, including hot water;**

- (3) Sewer service;
- (4) Access to electrical service;
- (5) Heat to the residence; and
- (6) Basic security, which, at a minimum, shall include locking doors and windows.

If a utility service is unavailable because a tenant fails to pay for service, the unavailability shall not be a violation of the rules, regulations, or ordinances.

3. If a county elects to enact rules, regulations, or ordinances under this section, at a minimum, they shall contain the following provisions:

(1) (a) The county commission shall create a process for selecting a designated officer to respond to written complaints of the condition of a rented residence that threatens the health or safety of tenants;

(b) Any written complaint under this section shall be submitted by a tenant who is a lawful tenant who has signed a lease agreement with the property owner or his or her agent, and which tenant is current on all rent due;

(2) The owner of record of any rented residence against which a written complaint has been submitted shall be served with adequate notice. The notice shall specify the condition alleged in the complaint and state a reasonable date that abatement of the condition shall commence. Notice shall be served by personal service or certified mail, return receipt requested, or, if those methods are unsuccessful, by publication;

(3) The owner of record and any other person who has an interest in the rented residence shall be parties in a hearing under subdivision (4) of this subsection;

(4) If work to abate the condition does not commence by the date stated in the notice or if the work does not proceed continuously and without unnecessary delay, as determined by the designated officer, the complaint shall be given a hearing before the county commission. Parties shall be given at least ten days' notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. If the county commission finds that the rented residence has a dangerous condition that is detrimental to the health, safety, or welfare of the tenant, the county commission shall issue an order that the condition be abated. The order shall state specific facts, based on competent and substantiated evidence, that support its finding. If the county commission finds that the rented residence does not have a dangerous condition that is detrimental to the health, safety, or welfare of the tenant, the county commission shall not issue an order; and

(5) Any violation of the order issued by the county commission may be punished by a penalty, which shall not exceed a class C misdemeanor. Each day a violation continues shall be deemed a separate violation. Any penalty enacted in the rules, regulations, or ordinances shall not be the exclusive punishment for the condition. The designated officer may, in his or her own name or in the name of the county, seek and obtain any judicial relief provided under equity or law including, but not limited to, civil fines authorized under section 49.272, declaratory relief, and injunctive relief. The designated officer may declare the continued occupancy of the rented residence unlawful while the

condition or conditions remain unabated.

4. The county commission shall only have the authority to respond to written complaints submitted to the county commission and shall not have the authority to:

- (1) Charge any fee for any action authorized under this section;
- (2) Perform any inspection of rented residences unless in response to a written complaint; or
- (3) Require licensing, registration, or certification of a rented residence on a regular schedule or before offering a residence for rent.”; and

Further amend the title and enacting clause accordingly.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered SA 22:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“67.398. 1. The governing body of any city or village, or any county having a charter form of government, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, **or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants**, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

2. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances for the abatement of a condition of any lot or land that has vacant buildings or structures open to entry.

3. Any ordinance authorized by this section shall provide for service to the owner of the property and, if the property is not owner-occupied, to any occupant of the property of a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the building commissioner or designated officer may cause the condition which constitutes the nuisance to be removed or abated. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of

such removal or abatement and the proof of notice to the owner of the property shall be certified to the city clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator May offered SA 23:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“407.297. 1. Notwithstanding any other provision of law to the contrary, no person shall engage in the business of a copper property peddler in a city not within a county without first obtaining a license from the city and complying with the provisions of this section.

2. For the purposes of this section, the following terms shall mean:

(1) “Copper property”, any insulated copper wire, copper tubing, copper guttering and downspouts, or any item composed completely of copper;

(2) “Copper property peddler”, any person who sells or attempts to sell copper property and who is not either a licensed or certified tradesperson or does not hold a business license issued by the city.

3. The city shall determine the license fee. The license shall expire June thirtieth of each year. Each license shall bear a separate number, the name and address of the licensee, a photo of the licensee, and telephone number of the licensee. The license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit his or her license to be used by any other person, and any other person who shall use a license granted to another person, shall each be deemed guilty of a violation of this section.

4. Application for a license under this section shall be made in writing to the city and shall state the name, age, description, and address of the applicant. The application shall include a sworn statement setting forth each and every conviction of the applicant for violations of federal, state, or municipal laws, statutes, or ordinances. In addition, the applicant shall, at his or her expense, obtain a complete copy of the applicant's criminal record as indicated by the records of a law enforcement agency and submit such record as part of the application. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last twenty-four months prior to the date of the application.

5. The city shall have the power and authority to revoke any license under this section for any

willful violation of this section by a copper property peddler, provided the licensee has been notified in writing at his or her place of business of the violations complained of and shall have been afforded a reasonable opportunity to have a hearing.

6. The provisions of this section shall only be effective when the city is actively issuing licenses to copper property peddlers.

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property **who obtains items for resale or profit** shall keep a register containing a written or electronic record for each purchase or trade in which each type of material subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) **Detached** catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

2. The record required by this section shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof [to] **of** the person from whom the material is obtained;

(2) The current address, gender, birth date, and a **color** photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The date, time, and place of the transaction;

(4) The license plate number of the vehicle used by the seller during the transaction; **and**

(5) A full description of the material, including the weight and purchase price.

3. The records required under this section shall be maintained for a minimum of [twenty-four] **thirty-six** months from when such material is obtained and shall be available for inspection by any law enforcement officer.

4. [Anyone convicted of violating this section shall be guilty of a class B misdemeanor.] **No transaction that includes a detached catalytic converter shall occur at any location other than the fixed place of business of the purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property. No detached catalytic converter shall be altered, modified, disassembled, or destroyed until it has been in the purchaser's, collector's, or dealer's possession for five business days.**

5. Anyone licensed under section 301.218 who knowingly purchases a stolen detached catalytic converter shall be subject to the following penalties:

(1) **For a first violation, a fine in the amount of five-thousand dollars;**

(2) For a second violation, a fine in the amount of ten-thousand dollars; and

(3) For a third violation, revocation of the license for a business described under section 301.218.

6. This section shall not apply to [any] **either** of the following transactions:

(1) [Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;

(2)] Any transaction for which the seller[, including a farm or farmer,] has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business, **and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof, and a copy is retained by the purchaser; or**

[(3)] **(2)** Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for **heating and cooling equipment or** equipment used in the generation and transmission of electrical power or telecommunications.”; and

Further amend said bill, page 10, section 451.040, line 103, by inserting after all of said line the following:

“570.030. 1. A person commits the offense of stealing if he or she:

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is

eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more.

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

(2) The offender physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

(b) Any will or unrecorded deed affecting real property;

(c) Any credit device, debit device or letter of credit;

(d) Any firearms;

(e) Any explosive weapon as defined in section 571.010;

(f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;

(i) Any book of registration or list of voters required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

(k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

(l) Any captive wildlife held under permit issued by the conservation commission;

(m) Any controlled substance as defined by section 195.010;

(n) Ammonium nitrate;

(o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

(1) The property appropriated is an animal; [or]

(2) **The property is a catalytic converter; or**

(3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.

7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.

9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Riddle offered **SA 1 to SA 23**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 23

Amend Senate Amendment No. 23 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 1, Line 20, by inserting after “a” the word: “**color**”.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator May moved that **SA 23**, as amended, be adopted, which motion prevailed.

Senator Luetkemeyer offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 271, Page 10, Section 451.040, Line 103, by inserting after all of said line the following:

“485.060. **1.** Each court reporter for a circuit judge shall receive an annual salary of twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars.

2. Such annual salary shall be modified by any salary adjustment provided by section 476.405[.].

3. Beginning January 1, 2022, the annual salary, as modified under section 476.405, shall be adjusted upon meeting the minimum number of cumulative years of service as a court reporter with a circuit court of this state by the following schedule:

(1) For each court reporter with zero to five years of service: the annual salary shall be increased only by any salary adjustment provided by section 476.405;

(2) For each court reporter with six to ten years of service: the annual salary shall be increased by five and one-quarter percent;

(3) For each court reporter with eleven to fifteen years of service: the annual salary shall be increased by eight and one-quarter percent;

(4) For each court reporter with sixteen to twenty years of service: the annual salary shall be increased by eight and one-half percent; or

(5) For each court reporter with twenty-one or more years of service: the annual salary shall be increased by eight and three-quarters percent.

A court reporter may receive multiple adjustments under this subsection as his or her cumulative years of service increase, but only one percentage listed in subdivisions (1) to (5) of this subsection shall apply to the annual salary at a time.

4. Salaries shall be payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed. [When] **If** paid by the state, the salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 6, Section 50.166, Line 29, by inserting after all of said line the following:

“50.332. In all counties of the first, second, third, and fourth classes, and in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, each county officer may, subject to the approval of the governing body of the county, contract with the governing body of any municipality located within such county, either in whole or in part, to perform the same type of duties for such municipality as such county officer is performing for the county,

including, if agreed by both parties, the collection by the collector or collector treasurer of residential assessments under section 67.815. Any compensation paid by a municipality for services rendered pursuant to this section shall be paid directly to the county, or county officer, or both, as provided in the provisions of the contract, and any compensation allowed any county officer under any such contract may be retained by such officer in addition to all other compensation provided by law.”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Hough offered **SA 26:**

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 1, Section A, Line 5, by inserting after all of said line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. (1) Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

(2) In addition to any local sales tax imposed or authorized under the local sales tax law as of January 1, 2022, any taxing jurisdiction may impose one or more sales taxes on all retail sales made in such taxing jurisdiction which are subject to taxation under the provisions of chapter 144 for any purpose designated by the taxing jurisdiction in its ballot of submission to its voters; provided, however, that no sales tax shall be effective unless the governing body of the taxing jurisdiction submits to the voters of the taxing jurisdiction, at a state general election, a proposal to authorize the taxing jurisdiction to impose a tax under the provisions of this subsection. The taxes authorized by this subsection shall be in addition to any and all other sales taxes allowed by law.

(3) The ballot of submission shall contain, but need not be limited to, the following language:

Shall (taxing jurisdiction’s name) impose a sales tax at the rate of (insert amount) for the purpose of (insert purpose)?

☐ YES☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the taxing jurisdiction shall have no power to impose the sales tax authorized by this subsection unless and until the governing body of the taxing jurisdiction shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of this subsection and such proposal is approved by a majority of the qualified voters voting thereon.

(4) Sales taxes imposed or authorized under the local sales tax law as of January 1, 2022, and under the provisions of this subsection shall not exceed the following amounts:

(a) For local sales taxes imposed by a taxing entity that is incorporated as a city, town, or village, the total combined rate shall not exceed five percent;

(b) For local sales taxes imposed by a county, excluding cities not within a county, the total combined rate shall not exceed five percent;

(c) For local sales taxes imposed by all taxing jurisdictions other than those described in paragraphs (a) and (b) of this subdivision, the total combined rate of sales taxes in any given taxing jurisdiction shall not exceed three and one-fourth percent. For the purposes of this paragraph, local sales taxes imposed by taxing entities described in paragraphs (a) and (b) of this subdivision in a given taxing jurisdiction shall not be included in the calculation of the total combined rate of sales taxes under this paragraph.

(5) For the purposes of subdivision (4) of this subsection, no transient guest tax or convention and tourism tax, including sections 92.325 to 92.340, shall be considered a local sales tax under the local sales tax law.

(6) (a) In any election in which more than one sales tax levy is approved by the voters, and the passage of such levies results in a combined rate of sales tax in excess of the limits provided for under subdivision (4) of this subsection, only the sales tax levy receiving the most votes shall become effective, provided such levy does not result in a combined rate of sales tax in excess of the limits provided for under subdivision (4) of this subsection.

(b) No taxing jurisdiction with a combined rate of sales tax in excess of the rates provided in subdivision (4) of this subsection as of August 28, 2021, shall be required to reduce or repeal any such sales tax rate.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued

pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2022, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the _____ (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for _____ (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2022, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2022, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a

licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2023.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November 2022, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November 2022, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the _____ (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for _____ (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax

for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as

amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results

of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 6, Section 50.166, Line 29, by inserting after all of said line the following:

“57.530. The sheriff of the City of St. Louis shall[, with the approval of a majority of the circuit judges of the circuit court of said city,] appoint as many deputies and assistants as may be necessary to perform the duties of his **or her** office, and fix the compensation for their services, which compensation, however, shall not in any case exceed the annual rate of compensation fixed by the board of aldermen of the City of St. Louis therefor.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 7, Section 59.100, Line 15, by inserting after all of said line the following:

“204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question[, and]

except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification without a charter form of government adjacent to a county of the first classification with a charter form of government and a population of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where “customer”, as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district. The principal and interest of such bonds shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district’s costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict’s advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Crawford, **HCS** for **HB 271**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Rowden, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

HOUSE BILLS ON THIRD READING

HCS for **HB 15**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

Was taken up by Senator Hegeman.

SCS for **HCS** for **HB 15**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 15

An Act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and

programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

Was taken up.

Senator Hegeman moved that **SCS** for **HCS** for **HB 15** be adopted, which motion prevailed.

Senator Eslinger assumed the Chair.

On motion of Senator Hegeman, **SCS** for **HCS** for **HB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Washington	White	Wieland	Williams—26		

NAYS—Senators

Brattin	Burlison	Eigel	Koenig	Moon	Onder—6
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Absent—Senators

Bernskoetter	Schupp—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 17**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 19**, entitled:

An Act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Burlison moved that **SB 39** be taken up for perfection, which motion prevailed.

Senator Burlison offered **SS** for **SB 39**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 39

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms, with penalty provisions and an emergency clause.

Senator Burlison moved that **SS** for **SB 39** be adopted.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

Senator Beck offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 39, Page 9, Section 1.485, Line 7, by inserting after all of said line the following:

“571.060. 1. A person commits the offense of unlawful transfer of weapons if he **or she**:

(1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

(2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child’s custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child’s custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his official duty; [or]

(3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated;

(4) Knowingly sells, leases, loans, gives away, or delivers a firearm to any person whose name appears on the Terrorist Screening Center’s No Fly List; or

(5) Knowingly sells, leases, loans, gives away, or delivers a firearm to any person who is a member of a group of two or more individuals, regardless if organized, that engages in or has a subgroup that engages in international or domestic terrorism.

2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class E felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

3. For purposes of this section, “terrorism” means activities that:

(1) Involve a violent act or acts dangerous to human life that violate the criminal laws of the United States or a state thereof that would be a criminal violation if committed within the jurisdiction of the United States or a state thereof; and

(2) Appear to be intended to:

(a) Intimidate or coerce a civilian population;

(b) Influence the policy of a government by intimidation or coercion; or

(c) Affect the conduct of a government by mass destruction, assassination, or kidnapping.

571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; [or]

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent;

(3) Such person’s name appears on the Terrorist Screening Center’s No Fly List; or

(4) Such person is a member of a group of two or more individuals, regardless if organized, that engages in or has a subgroup that engages in international or domestic terrorism. For purposes of this subdivision, “terrorism” means activities that:

(a) Involve a violent act or acts dangerous to human life that are a violation of the criminal laws of the United States or a state thereof or that would be a criminal violation if committed within the jurisdiction of the United States or a state thereof; and

(b) Appear to be intended to:

a. Intimidate or coerce a civilian population;

b. Influence the policy of a government by intimidation or coercion; or

c. Affect the conduct of a government by mass destruction, assassination, or kidnapping.

2. Unlawful possession of a firearm is a class D felony, unless a person has been convicted of a dangerous felony as defined in section 556.061, in which case it is a class C felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators May, Mosley, Roberts, and Schupp.

At the request of Senator Beck, **SA 1** was withdrawn.

At the request of Senator Burlison, **SB 39**, with **SS** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Crawford moved that **HCS** for **HB 271**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection.

At the request of Senator Crawford, **SS** for **SCS** for **HCS** for **HB 271**, as amended, was withdrawn.

Senator Crawford offered **SS No. 2** for **SCS** for **HCS** for **HB 271**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 271

An Act to repeal sections 49.310, 50.166, 50.327, 50.332, 50.530, 50.660, 50.783, 57.530, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.115, 137.280, 139.100, 162.441, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, 570.030, 620.2450, and 620.2456, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fifty-nine new sections relating to local government, with penalty provisions and an emergency clause for certain sections.

Senator Crawford moved that **SS No. 2** for **SCS** for **HCS** for **HB 271** be adopted.

Senator Wieland offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for

Senate Bill No. 271, Page 11, Section 50.323, Lines 1-18, by striking all of said section from the bill; and
Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Crawford moved that **SS No. 2** for **SCS** for **HCS** for **HB 271**, as amended, be adopted, which motion prevailed.

Senator Crawford moved that **SS No. 2** for **SCS** for **HCS** for **HB 271**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS No. 2** for **SCS** for **HCS** for **HB 271**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HBs 85** and **310**, with **SCS**; **HB 578**, with **SCS**; **HB 948**, with **SCS**; **HB 530** and **HCS** for **HB 292**, with **SCS**; **HB 488**, with **SCS**; **HS** for **HB 297**; **HB 624**; **HCS** for **HBs 557** and **560**; **HCS** for **HJR 35**; and **HCS** for **HB 384**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Rowden assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 272

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to prohibiting publishing of the names of lottery winners, with a penalty provision.

Was taken up by Senator Mosley.

On motion of Senator Mosley, **SCS** for **SB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Bernskoetter Cierpiot—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mosley, title to the bill was agreed to.

Senator Mosley moved that the vote by which the bill passed be reconsidered.

Senator White moved that motion lay on the table, which motion prevailed.

SB 36 was placed on the Informal Calendar.

SS for **SB 45**, introduced by Senator Hough, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 45

An Act to repeal sections 287.245 and 537.620, RSMo, and to enact in lieu thereof three new sections relating to benefits for certain firefighters as a result of employment as a firefighter.

Was taken up.

On motion of Senator Hough, **SS** for **SB 45** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O'Laughlin	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	Washington	White
Wieland	Williams—30					

NAYS—Senators

Moon Onder—2

Absent—Senators

Bernskoetter Cierpiot—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator White moved that motion lay on the table, which motion prevailed.

SB 78, introduced by Senator Beck, entitled:

An Act to repeal sections 33.100 and 313.004, RSMo, and to enact in lieu thereof four new sections relating to state employees.

Was taken up.

On motion of Senator Beck, **SB 78** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O'Laughlin	Onder	Razer

Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Bernskoetter	Cierpiot—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Beck, title to the bill was agreed to.

Senator Beck moved that the vote by which the bill passed be reconsidered.

Senator White moved that motion lay on the table, which motion prevailed.

SB 323, introduced by Senator May, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to elective social studies courses on the Bible.

Was taken up.

On motion of Senator May, **SB 323** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Brattin	Brown	Burlison	Crawford	Eigel
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Moon	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Rowden	Schatz	Washington	White	Wieland—27	

NAYS—Senators

Arthur	Gannon	Roberts	Schupp	Williams—5
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Absent—Senators

Bernskoetter	Cierpiot—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator May, title to the bill was agreed to.

Senator May moved that the vote by which the bill passed be reconsidered.

Senator White moved that motion lay on the table, which motion prevailed.

SB 36, introduced by Senator Bernskoetter, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to historic buildings.

Was called from the Informal Calendar and taken up.

On motion of Senator Bernskoetter, **SB 36** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators

Eigel	Moon	Onder—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator White moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Hoskins moved that **SB 98**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection.

SS for **SCS** for **SB 98** was again taken up.

Senator Hoskins offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 26, Section 313.429, Line 25, by striking “twelve” and inserting in lieu thereof the following: “**ten**”; and further amend line 26, by striking the following: “five hundred”; and further amend said line, by inserting immediately after “state” the following: “, **provided that the commission shall give preference to the placement of video lottery game terminals in veterans’ organizations and fraternal organizations, and further provided that:**

(a) **No more than two thousand five hundred video lottery game terminals shall be allowed to be placed prior to January 1, 2024;**

(b) **No more than five thousand video lottery game terminals shall be allowed to be placed prior to January 1, 2025;**

(c) No more than seven thousand five hundred video lottery game terminals shall be allowed to be placed prior to January 1, 2026; and

(d) No more than ten thousand video lottery game terminals shall be allowed to be placed on and after January 1, 2027”; and

Further amend said bill and section, page 28, line 86, by inserting immediately after “(4)” the following: **“In addition to the license fees required in subdivisions (1) to (3) of this subsection, video lottery game operators shall pay the commission an annual administrative fee of fifty dollars for each video lottery game terminal placed in service. Such fee shall be deposited in the state lottery fund and shall be distributed equally:**

(a) On a per capita basis, to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(b) To the access Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101 to 173.1107;

(c) To the veterans’ commission capital improvement trust fund created in section 42.300; and

(d) To the Missouri National Guard trust fund created in section 41.214.

(5)”.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Luetkemeyer offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 57, Section 313.1000, Line 148, by inserting after all of said line the following:

“(27) “Sports wagering supplier”, a person that provides sports wagering services, sports wagering kiosks, sports wagering software, or other components necessary for a sports wagering operation and the creation of wagering markets, directly or indirectly to any certificate holder or licensed applicant, including, but not limited to providers of data feeds and odds services, internet platform providers, risk management providers, integrity monitoring providers, and other providers of sports wagering supplier services as determined by the commission. A sports governing body that provides raw statistical match data to one or more designated and licensed providers of data and odds services shall not be a sports wagering supplier;

(28) “Sports wagering supplier license”, a license issued by the commission to a sports wagering supplier;”; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said bill, page 61, Section 313.1006, line 15, by inserting after all of said line the following:

“313.1007. 1. The commission may issue a sports wagering supplier license to a sports wagering supplier. A person that is not licensed under this section shall not sell, lease, distribute, offer, or otherwise provide sports wagering services, sports wagering kiosks, sports wagering software, or other components necessary for a sports wagering operation, directly or indirectly to any certificate

holder or licensed applicant. A supplier shall be licensed under this section if providing supplier services under a fixed-fee or revenue-sharing agreement.

2. On application by an interested person, the commission may issue a provisional sports wagering supplier license to an applicant for a sports wagering supplier license. A provisional license issued under this subsection shall allow the applicant for the sports wagering supplier license to conduct business regarding the operation of sports wagering with a certificate holder or licensed applicant before the sports wagering supplier license is issued. A provisional license issued under this subsection shall expire on the date provided by the commission.

3. A person may apply to the commission for a sports wagering supplier license as provided in this section and the rules promulgated under this section.

4. Except as otherwise provided in this section, an application under this section shall be made on forms provided by the commission and shall include the information required by the commission.

5. The commission shall require applicants to disclose the identity of:

(1) The applicant's principal owners who directly own five percent or more of the applicant;

(2) Each holding, intermediary, or parent company that directly owns fifteen percent or more of the applicant; and

(3) The applicant's board appointed chief executive officer and chief financial officer.

The commission shall have the authority to waive any or all qualification requirements for any person or entity in this subsection.

6. State entities and public corporations that are direct or indirect shareholders of the applicant shall be waived from any information disclosure requests in connection to the license application as determined by the commission.

7. Investment funds or entities registered with the federal Securities and Exchange Commission, whether as investment advisors or otherwise, as well as the entities under the management of such entities registered with the federal Securities and Exchange Commission, that are direct or indirect shareholders of the applicant, shall be waived from any information disclosure requests in connection to the license application as determined by the commission.

8. In no scenario shall a person holding a sports wagering supplier license or a provisional sports wagering supplier license be subject to, or required to obtain, any additional license to offer the services under this section.

9. The commission shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion failed.

Senator Bean assumed the Chair.

Senator Moon offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 1, In the Title, Line 6, by inserting immediately after “provisions” the following: “and a referendum clause”; and

Further amend said bill, page 5, Section 311.680, line 56, by striking “September 15, 2021” and inserting in lieu thereof the following: “**August 15, 2023**”; and

Further amend said bill, page 79, Section 572.100, line 12, by inserting after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2022, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”

Senator Moon moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Hoskins moved that **SS** for **SCS** for **SB 98**, as amended, be adopted, which motion failed.

At the request of Senator Hoskins, **SB 98**, with **SCS** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Eslinger offered Senate Resolution No. 333, regarding Debra Hinrichs, Dora, which was adopted.

Senator Wieland offered Senate Resolution No. 334, regarding Mikayla Noel Dierker, Barnhart, which was adopted.

Senator Hegeman offered Senate Resolution No. 335, regarding the 2020-21 Northwest Missouri State University Bearcat men’s basketball team, which was adopted.

Senator Koenig offered Senate Resolution No. 336, regarding Thomas Giavanni Simmons, Boonville, which was adopted.

INTRODUCTION OF GUESTS

Senator O’Laughlin introduced to the Senate, Atlanta C-3 School, Atlanta.

Senator Riddle introduced to the Senate, Jackson Bailey, Willow Springs.

Senator May introduced to the Senate, St. Louis City Mayor, Tishaura Jones; and her staff, Jared Boyd, Adam Layne, Rosetta Okohson; and Renwick Bouell, St. Louis.

Senator Williams introduced to the Senate, Hailey LeMaster, Blue Springs; Lindsey Burns, Warrensburg; and Sahithi Jiliakara, Fenton.

Senator White introduced to the Senate, state champion, Cayden Auch; his parents, Jeremiah and Khristi Auch; and his coach, Jeremy Philips.

Senator Luetkemeyer introduced to the Senate, Pat Conway, St. Joseph.
On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SEVENTH DAY—WEDNESDAY, APRIL 28, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 835	HCS for HB 17
HCS for HB 1212	HCS for HB 18
HB 253-Fishel	HCS for HB 19
HCS for HB 849	

THIRD READING OF SENATE BILLS

SS #2 for SCS for SB 202-Cierpiot
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 265-Eslinger	SB 263-Crawford, with SCS
SB 231-Burlison	

HOUSE BILLS ON THIRD READING

- | | |
|---|---------------------------------------|
| 1. HCS for HB 349 (Koenig)
(In Fiscal Oversight) | 3. HCS #2 for HB 75 (Onder) |
| 2. HCS for HJR 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight) | 4. HCS for HB 362, with SCS (Wieland) |
| | 5. HB 657-Trent, with SCS (Hough) |

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| 6. HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097 (Bernskoetter)
(In Fiscal Oversight) | 22. HCS for HB 1 (Hegeman) |
| 7. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight) | 23. HCS for HB 2, with SCS (Hegeman) |
| 8. HB 273-Hannegan, with SCS (Riddle) | 24. HCS for HB 3, with SCS (Hegeman) |
| 9. HCS for HB 574 (Riddle) | 25. HCS for HB 4, with SCS (Hegeman) |
| 10. HCS for HB 529, with SCS (Hoskins)
(In Fiscal Oversight) | 26. HCS for HB 5, with SCS (Hegeman) |
| 11. HCS for HB 384, with SCS (Wieland)
(In Fiscal Oversight) | 27. HCS for HB 6, with SCS (Hegeman) |
| 12. HCS for HB 697, with SCS (Crawford) | 28. HCS for HB 7, with SCS (Hegeman) |
| 13. HB 604-Gregory (51), with SCS
(Crawford) | 29. HCS for HB 8, with SCS (Hegeman) |
| 14. HCS for HJR 35 (Schatz)
(In Fiscal Oversight) | 30. HCS for HB 9, with SCS (Hegeman) |
| 15. HB 542-Shields (Burlison) | 31. HCS for HB 10, with SCS (Hegeman) |
| 16. HB 948-Francis, with SCS (Hoskins)
(In Fiscal Oversight) | 32. HCS for HB 11, with SCS (Hegeman) |
| 17. HB 249-Ruth (Wieland) | 33. HCS for HB 12, with SCS (Hegeman) |
| 18. HCS for HB 685, with SCS (Brown) | 34. HCS for HB 13, with SCS (Hegeman) |
| 19. HCS for HBs 85 & 310, with SCS
(Burlison) (In Fiscal Oversight) | 35. HCS#2 for HB 69, with SCS (Bean) |
| 20. HB 670-Houx (Moon) | 36. HCS for HBs 557 & 560 (White)
(In Fiscal Oversight) |
| 21. HB 488-Hicks, with SCS (Burlison)
(In Fiscal Oversight) | 37. HB 578-Bromley, with SCS (Brown)
(In Fiscal Oversight) |
| | 38. HB 687-Riley (Hough) |
| | 39. HB 661-Ruth (Brown) |
| | 40. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) (In Fiscal Oversight) |
| | 41. HS for HB 297 (Rehder)
(In Fiscal Oversight) |
| | 42. HB 624-Richey (Arthur)
(In Fiscal Oversight) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 1-Hegeman, with SS #2 & SA 1 (pending) | SB 30-Cierpiot |
| SB 3-Hegeman | SB 39-Burlison, with SS (pending) |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 47-Hough |
| SB 10-Schatz, with SS (pending) | SB 54-O’Laughlin, with SCS |
| SB 11-Schatz, with SS & SA 1 (pending) | SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending) |
| SB 24-Eigel, with SS #2 (pending) | |

SB 62-Williams, with SCS	SB 254-Riddle, with SCS, SS for SCS &
SB 65-Rehder, with SCS	SA 2 (pending)
SB 74-Bean, with SCS	SB 255-Riddle
SB 92-Riddle, with SCS	SB 282-Hegeman, with SCS
SB 94-Onder with SS, SA1 to SS & SA 1 to	SB 287-Crawford
SA 1 (pending)	SB 291-Brown
SB 95-Onder, with SCS	SB 295-Crawford, with SCS
SB 96-Hoskins, with SCS	SB 301-Bernskoetter, with SCS &
SB 98-Hoskins, with SCS (pending)	SA 1 (pending)
SB 100-Koenig, with SCS	SB 306-Bernskoetter, with SCS
SB 105-Crawford, with SCS	SB 313-Eigel
SB 114-Bernskoetter	SB 316-Hough
SB 123-Hough, with SS & SA 2 (pending)	SB 317-May
SB 131-Luetkemeyer	SB 318-May, with SCS
SB 132-O'Laughlin, with SCS	SB 334-Bernskoetter
SB 134-O'Laughlin and Cierpiot	SB 343-Brown
SB 137-Brattin	SB 354-Hoskins, with SCS, SS for SCS,
SB 138-Brattin, with SCS	SA 1 & point of order (pending)
SB 139-Bean	SB 360-Wieland, with SCS
SB 149-Onder	SB 361-Wieland
SB 163-Cierpiot	SB 369-White
SB 168-Burlison	SB 370-Brown
SB 169-Burlison	SB 372-Riddle
SB 174-Hough, with SCS	SB 375-Eigel
SB 179-Luetkemeyer	SB 383-Moon
SB 182-O'Laughlin	SB 390-Luetkemeyer
SB 183-O'Laughlin	SB 399-Eigel
SB 184-Bean, with SCS	SB 400-Onder, with SCS
SB 195-Koenig	SB 404-Riddle
SB 198-Eigel, with SCS	SB 408-Wieland
SB 204-Cierpiot, with SCS	SB 434-Washington
SB 206-Arthur	SB 437-Hoskins
SB 218-Luetkemeyer, with SCS	SB 459-Brattin, with SCS
SB 227-Arthur	SB 465-Hoskins, with SCS
SB 236-Hough, with SCS	SB 466-Hoskins, with SCS
SB 244-Onder	SB 473-Brown
SB 253-Hegeman	SB 481-Hough, et al

SB 506-Bean	SB 604-Koenig, with SCS
SB 529-Cierpiot	SJR 2-Onder, with SCS
SB 547-Hoskins, with SCS	SJR 4-Koenig
SB 561-Gannon	SJR 7-Eigel
SB 562-Schupp	SJR 12-Luetkemeyer
SB 577-Riddle, with SCS	SJR 16-Eslinger
SB 582-Eslinger	

HOUSE BILLS ON THIRD READING

SS #2 for SCS for HCS for HB 271 (Crawford) (In Fiscal Oversight)	HB 476-Grier (Bernskoetter) (In Fiscal Oversight)
HB 333-Simmons (Onder)	HB 850-Wiemann (Eigel)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 640-Morse (Bean)
HB 202-McGill (Gannon)	HB 1053-Patterson (Onder)
HB 404-Aldridge (May)	HB 296-Wallingford (White)
HB 449-Tate (Gannon)	HB 298-Wallingford (White)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)

RESOLUTIONS

Reported from Committee

SCR 4-Burlison	SCR 11-Brattin
SCR 8-Hoskins	SR 90-Onder
SCR 9-Moon	HCS for HCRs 4 & 5 (Roberts)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY—WEDNESDAY, APRIL 28, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Make me to know Your ways, O Lord: teach me Your paths.” (Psalm 25:4)

Gracious God, it was another full day yesterday and much more is to come our way with the demands of today it is so easy for our attention and control to start to slip away and so, we call upon You for direction and guidance, for encouragement and perseverance to handle all that will come our way. And help us Lord to do all that we must accomplish in this chamber. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Luetkemeyer and Bernskoetter offered Senate Resolution No. 337, regarding J. Robert Ashcroft, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator White submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **HCS** for **HB 271** and **SS No. 2** for **SCS** for **SB 202**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 835**—Commerce, Consumer Protection, Energy and the Environment.

HCS for **HB 1212**—Governmental Accountability and Fiscal Oversight.

HB 253—Education.

HCS for **HB 849**—Economic Development.

HCS for **HB 17**—Appropriations.

HCS for **HB 18**—Appropriations.

HCS for **HB 19**—Appropriations.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SB 202**, introduced by Senator Cierpiot, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 202

An Act to repeal sections 386.370, 393.106, 394.120, and 400.9-109, RSMo, and to enact in lieu thereof eight new sections relating to electrical corporations.

Was taken up.

On motion of Senator Cierpiot, **SS No. 2** for **SCS** for **SB 202** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Wieland
Williams—29						

NAYS—Senator Moon—1

Absent—Senators

Bean	Hoskins	Hough—3
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Absent with leave—Senators—None

Excused from voting—Senator Hegeman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Crawford moved that **SS No. 2** for **SCS** for **HCS** for **HB 271** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HCS** for **HB 271** was read the 3rd time and passed by the following vote:

YEAS—Senators

Beck	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Koenig	Luetkemeyer	May
O’Laughlin	Onder	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Wieland—25			

NAYS—Senators

Arthur	Moon	Mosley	Razer	Washington	Williams—6
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Absent—Senators

Bean	Hoskins	Hough—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Koenig	Luetkemeyer	May	Moon
Mosley	O’Laughlin	Onder	Rehder	Riddle	Rizzo	Roberts
Rowden	Schatz	Schupp	Washington	White	Wieland	Williams—28

NAYS—Senators

Beck	Razer—2
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Absent—Senators

Bean	Eigel	Hoskins	Hough—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

HOUSE BILLS ON THIRD READING

HCS for HB 1, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **HCS for HB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Gannon—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 2, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for **HCS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS** for **HCS** for **HB 2** be adopted.

Senator Hegeman offered **SS** for **SCS** for **HCS** for **HB 2**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schatz	Washington	White	Wieland	Williams—27	

NAYS—Senators

Beck	Brattin	Burlison	Eigel	Moon	Onder	Schupp—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 3, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 3, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 3** be adopted.

Senator Hegeman offered **SS for SCS for HCS for HB 3**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Senator Hegeman moved that **SS for SCS for HCS for HB 3** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS for SCS for HCS for HB 3** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur

Bean

Beck

Bernskoetter

Brown

Cierpiot

Crawford

Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Wieland
Williams—29						

NAYS—Senators

Brattin	Burlison	Eigel	Moon	Onder—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 4, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 4, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 4** be adopted.

Senator Hegeman offered **SS for SCS for HCS for HB 4**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof, to be expended

only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 4** be adopted.

Senator Eslinger assumed the Chair.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 19, Section 4.490, Line 4, by striking said line and inserting in lieu thereof the following:

“systems, provided no funds shall be paid to any provider unless such provider allows individuals lawfully in possession of a valid concealed carry permit or endorsement to access or use their services”.

Senator Onder moved that the above amendment be adopted.

President Kehoe assumed the Chair.

Senator Rizzo raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Onder offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 19, Section 4.490, Lines 1-5, by striking all of said section from the bill; and

Further amend totals accordingly.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Eigel and Moon.

Senator Onder offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 19, Section 4.490, Line 3, by striking all of said line and inserting in lieu thereof the following:

“For distributing funds to urban transit providers located in cities with a population of less than one hundred fifty thousand inhabitants, small urban, and rural transportation”; and further amend line 5 by striking the number “\$1,710,875” and inserting in lieu thereof the following: “\$612,763”; and

Further amend the totals accordingly.

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Koenig, Moon and O’Laughlin.

SSA 1 for SA 2 failed of adoption by the following vote:

YEAS—Senators

Bean	Brattin	Burlison	Crawford	Eigel	Koenig	Moon
O’Laughlin	Onder	Wieland—10				

NAYS—Senators

Arthur	Beck	Bernskoetter	Brown	Cierpiot	Eslinger	Gannon
Hegeman	Hough	Luetkemeyer	May	Mosley	Razer	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	Washington	White
Williams—22						

Absent—Senators

Hoskins	Rehder—2
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Absent with leave—Senators—None

Vacancies—None

SA 2 was again taken up.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Brattin	Burlison	Eigel	Koenig	Moon	Onder—6
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NAYS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Williams—25			

Absent—Senators

Hoskins	Rehder	Wieland—3
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Absent with leave—Senators—None

Vacancies—None

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
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Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Williams—28

NAYS—Senators

Brattin	Burlison	Eigel	Moon	Onder—5
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Absent—Senator Wieland—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 5, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 5, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 5** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
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Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O'Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	White	Williams—27	

NAYS—Senators

Brattin	Burlison	Eigel	Moon	Onder—5
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Absent—Senators

Washington	Wieland—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 6, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 6, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 6** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 6** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	White	Williams—28

NAYS—Senators

Burlison	Eigel	Moon	Onder—4
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Absent—Senators

Washington	Wieland—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 7, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 7, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 7** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Wieland

Williams—29

NAYS—Senators

Brattin	Burlison	Eigel	Moon	Onder—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 8, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 8, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 8** be adopted, which motion prevailed.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

On motion of Senator Hegeman, **SCS for HCS for HB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 9, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 9, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 9** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin

Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Williams—33		

NAYS—Senator Wieland—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Hegeman offered **SS** for **SCS** for **HCS** for **HB 10**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 10** be adopted.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 14, Section 10.236, Line 7, by inserting immediately after said line the following:

“Section 10.237. To the Department of Mental Health

For the Division of Behavioral Health

For expenditures related to Section 36(c) of Article IV of the Missouri Constitution, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 10.110 and 10.210

From General Revenue Fund (0101) \$7,697,186

From Department of Mental Health Federal Fund (0148) 69,274,672

Total \$76,971,858”;

and

Further amend totals accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Rizzo offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 1, Line 9, by striking “\$7,697,186” and inserting in lieu thereof the following: “\$15,394,371”;

and

Further amend line 10 by striking “\$69,274,672” and inserting in lieu thereof the following: “\$138,549,343”;

and

Further amend line 11 by striking “76,971,858” and inserting in lieu thereof the following: “153,943,714”.

Senator Rizzo moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Arthur, Razer, Roberts and Washington.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

SA 1 to **SA 1** failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	Brown	Cierpiot	Hough	May	Mosley
Razer	Rizzo	Roberts	Rowden	Schupp	Washington	Williams—14

NAYS—Senators

Bean	Bernskoetter	Brattin	Burlison	Crawford	Eigel	Eslinger
Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	O’Laughlin
Onder	Rehder	Riddle	Schatz	White	Wieland—20	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Rizzo, **SA 1** was withdrawn.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 10** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **HCS** for **HB 10** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden
Schatz	White	Wieland—24				

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Hegeman offered **SS** for **SCS** for **HCS** for **HB 11**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 11** be adopted.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 45, Section 11.790, Line 13, by striking “\$1,712,194,972” and inserting in lieu thereof the following: “\$1,777,114,261”;

and

Further amend said bill, page 47, section 11.815, line 25 by inserting immediately after said line the following:

“Section 11.820. To the Department of Social Services

For the MO HealthNet Division

For expenditures related to Section 36(c) of Article IV of the Missouri Constitution, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720,

11.725, 11.730, 11.744, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, 11.815, and 11.820

From General Revenue Fund (0101)	\$51,770,500
From Title XIX - Federal Fund (0163)	707,774,452
From Pharmacy Rebates Fund (0114)	4,271,526
From Pharmacy Reimbursement Allowance Fund (0144)	3,517,786
From Federal Reimbursement Allowance Fund (0142)	<u>18,265,035</u>
Total	\$785,599,299”;

and

Further amend totals accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Rizzo offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 1, Line 3, by striking “\$1,777,117,261” and inserting in lieu thereof the following: “\$1,842,033,550”;

and

Further amend line 14, by striking “\$51,770,500” and inserting in lieu thereof the following: “\$103,541,000”;

and

Further amend line 15, by striking “707,774,452” and inserting in lieu thereof the following: “1,415,548,904”;

and

Further amend line 16, by striking “4,271,526” and inserting in lieu thereof the following: “8,543,052”;

and

Further amend line 17, by striking “3,517,786” and inserting in lieu thereof the following: “7,035,572”;

and

Further amend line 18, by striking “18,265,035” and inserting in lieu thereof the following: “36,530,070”

and

Further amend line 19, by striking “\$785,599,299” and inserting in lieu thereof the following: “\$1,571,198,598”.

Senator Rizzo moved that the above amendment be adopted and requested a roll call vote be taken. He

was joined in his request by Senators Arthur, Eigel, Mosley and Razer.

Senator Schatz assumed the Chair.

SA 1 to SA 1 failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	Brown	Hough	May	Mosley	Razer
Rizzo	Roberts	Rowden	Schupp	Washington	Williams—13	

NAYS—Senators

Bean	Bernskoetter	Brattin	Burlison	Crawford	Eigel	Eslinger
Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	O’Laughlin
Onder	Rehder	Riddle	Schatz	White	Wieland—20	

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Rizzo, **SA 1** was withdrawn.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 11** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **HCS** for **HB 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Crawford	Eigel
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 12, with **SCS**, entitled:

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 12, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 12** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 12, Page 10, Section 12.300, Lines 2-6, by striking all of said lines and inserting in lieu thereof the following: "For funding Judicial Proceeding and Review";

and

Further amend section 12.310, lines 3-7, by striking all of said lines and inserting in lieu thereof the following: "supporting an integrated case management system";

and

Further amend page 11, section 12.315, lines 5-9, by striking all of said lines and inserting in lieu thereof the following: “use of the Supreme Court and other state courts”;

and

Further amend section 12.320, lines 3-8, by striking all of said lines and inserting in lieu thereof the following: “statewide court automation”;

and

Further amend section 12.330, lines 2-6, by striking all of said lines and inserting in lieu thereof the following: “For Judicial and Education Training”;

and

Further amend page 12, section 12.335, lines 2-6, by striking all of said lines and inserting in lieu thereof the following: “For funding the three (3) Court of Appeals”;

and

Further amend section 12.345, lines 2-6, by striking all of said lines and inserting in lieu thereof the following: “For funding the Circuit Courts”;

and

Further amend said section, page 13, lines 26-28, by striking all of said lines;

and

Further amend section 12.355, lines 3-5, by striking all of said lines and inserting in lieu thereof the following: “office”;

and

Further amend section 12.360, lines 3-6, by striking all of said lines and inserting in lieu thereof the following: “programs as provided in Section 452.554, RSMo”;

and

Further amend page 14, section 12.365, lines 3-7, by striking all of said lines and inserting in lieu thereof the following: “For funding the expenses of the Commission”;

and

Further amend section 12.370, lines 8-10, by striking all of said lines and inserting in lieu thereof the following: “Court”;

and

Further amend totals accordingly.

Senator Koenig moved that the above amendment be adopted, which motion failed.

Senator Hegeman moved that **SCS** for **HCS** for **HB 12** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS** for **HCS** for **HB 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schatz	Schupp	Washington	White	Wieland	Williams—28

NAYS—Senators

Brattin	Burlison	Eigel	Moon	Onder—5
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Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 37**.

With House Amendment Nos. 1, 2, 3, 4, 5, and 6.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 37, Page 1, In the Title, Line 3, by deleting the words “anhydrous ammonia” and inserting in lieu thereof the word “agriculture”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“135.775. 1. For the purposes of this section, the following terms shall mean:

(1) “Biodiesel blend”, a blend of diesel fuel and biodiesel fuel between five percent and twenty percent for on-road and off-road diesel-fueled vehicle use. Biodiesel blend shall comply with the ASTM International specification D7467-19, or the most recent specifications;

(2) “Biodiesel fuel”, a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the ASTM International specification D6751-19, or the most recent specification, for Biodiesel Fuel (B100) or (B99) Blend Stock for Distillate Fuels. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section, unless the palm oil is contained within waste oil and grease collected within the United States;

(3) “Department”, the Missouri department of revenue;

(4) “Retail dealer”, a person that owns or operates a retail service station;

(5) “Retail service station”, a location from which biodiesel blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells a biodiesel blend at a retail service station shall be allowed a tax credit to be taken against the retail dealer’s state income tax liability. The amount of the tax credit shall be as follows:

(1) Two cents per gallon of biodiesel blend of at least five percent but not more than ten percent sold by a retail dealer at a retail service station during the tax year for which the tax credit is claimed; or

(2) Five cents per gallon of biodiesel blend in excess of ten percent sold by a retail dealer at a retail service station during the tax year for which the tax credit is claimed.

Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer’s state tax liability, the difference shall be refundable. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed twenty million dollars.

3. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned equally to all eligible retail dealers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed.

4. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

5. The department may work with the division of weights and measures within the department of agriculture to validate that the biodiesel blend a retail dealer claims for the tax credit authorized

under this section contains a sufficient percentage of biodiesel fuel.

6. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset on December 31, 2027, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2020] **2027**. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any given fiscal year. There shall be no tax credits authorized under sections 135.300 to 135.311 unless an appropriation is made for such tax credits.

135.686. 1. This section shall be known and may be cited as the “Meat Processing Facility Investment Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Authority”, the agricultural and small business development authority established in chapter 348;

(2) “Meat processing facility”, any commercial plant, as defined under section 265.300, at which livestock are slaughtered or at which meat or meat products are processed for sale commercially and for human consumption;

(3) “Meat processing modernization or expansion”, constructing, improving, or acquiring buildings or facilities, or acquiring equipment for meat processing including the following, if used exclusively for meat processing and if acquired and placed in service in this state during tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] **2027**:

- (a) Building construction including livestock handling, product intake, storage, and warehouse facilities;
 - (b) Building additions;
 - (c) Upgrades to utilities including water, electric, heat, refrigeration, freezing, and waste facilities;
 - (d) Livestock intake and storage equipment;
 - (e) Processing and manufacturing equipment including cutting equipment, mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes, motors, pumps, and valves;
 - (f) Packaging and handling equipment including sealing, bagging, boxing, labeling, conveying, and product movement equipment;
 - (g) Warehouse equipment including storage and curing racks;
 - (h) Waste treatment and waste management equipment including tanks, blowers, separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or industrial products;
 - (i) Computer software and hardware used for managing the claimant's meat processing operation including software and hardware related to logistics, inventory management, production plant controls, and temperature monitoring controls; and
 - (j) Construction or expansion of retail facilities or the purchase or upgrade of retail equipment for the commercial sale of meat products if the retail facility is located at the same location as the meat processing facility;
- (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 147;
- (5) "Taxpayer", any individual or entity who:
- (a) Is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or the tax imposed under chapter 147;
 - (b) In the case of an individual, is a resident of this state as verified by a 911 address or, in the absence of a 911 system, a physical address; and
 - (c) Owns a meat processing facility located in this state;
- (6) "Used exclusively", used to the exclusion of all other uses except for use not exceeding five percent of total use.

3. For all tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] **2027**, a taxpayer shall be allowed a tax credit for meat processing modernization or expansion related to the taxpayer's meat processing facility. The tax credit amount shall be equal to twenty-five percent of the amount the taxpayer paid in the tax year for meat processing modernization or expansion.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the tax year in which the meat processing modernization or expansion expenses were paid, but any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year may be carried forward to any of the taxpayer's four subsequent tax years. The total amount of tax credits that any taxpayer may claim shall not exceed seventy-five thousand dollars per year. If two or more persons own and operate the meat processing facility, each person may claim a credit under this

section in proportion to his or her ownership interest; except that, the aggregate amount of the credits claimed by all persons who own and operate the meat processing facility shall not exceed seventy-five thousand dollars per year. The amount of tax credits authorized in this section and section 135.679 in a calendar year shall not exceed two million dollars. Tax credits shall be issued on an as-received application basis until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and shall not be issued in any subsequent year.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a meat processing modernization or expansion project was completed and for which a tax credit is claimed under this section. The application shall include any certified documentation, proof of meat processing modernization or expansion, and any other information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the meat processing modernization or expansion meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. If a tax credit certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate and the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall promulgate rules establishing a process for verifying that a facility's modernization or expansion for which tax credits were allowed under this section has in fact expanded the facility's production within three years of the issuance of the tax credit and if not, the authority shall promulgate through rulemaking a process by which the taxpayer shall repay the authority an amount equal to that of the tax credit allowed.

8. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

9. The authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

10. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100.

4. (1) As used in this subsection, the following terms mean:

(a) “Eligible expenses”, expenses incurred in this state to manufacture, maintain, or improve a freight line company’s qualified rolling stock;

(b) “Qualified rolling stock”, any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.

(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall, subject to appropriation, be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company’s liability for the tax levied under this section for the tax year for which the credit is claimed.

(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.

(4) Subject to appropriation, the state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this subsection.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under **subsection 4 of** this section shall expire on August 28, [2020] **2027**; and

(2) **Subsection 4 of** this section shall terminate on September 1, [2021] **2028**.

348.436. The provisions of sections 348.430 to 348.436 shall expire December 31, [2021] **2027**.”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“348.500. 1. This section shall be known and may be cited as the “Family Farms Act”.

2. As used in this section, “small farmer” means a farmer who is a Missouri resident and who has less than [two hundred fifty] **five hundred** thousand dollars in gross sales per year.

3. The agricultural and small business development authority shall establish a family farm breeding

livestock loan program for small farmers for the purchase of beef cattle, dairy cattle, sheep and goats, and swine only.

4. To participate in the loan program, a small farmer shall first obtain approval for a family farm livestock loan from a lender as defined in section 348.015. [Each small farmer shall be eligible for only one family farm livestock loan per family and for only one type of livestock.]

5. The maximum amount of the family farm livestock loan for each type of livestock shall be as follows:

(1) [Seventy-five] **One hundred fifty** thousand dollars for beef cattle;

(2) [Seventy-five] **One hundred fifty** thousand dollars for dairy cattle;

(3) [Thirty-five] **Seventy** thousand dollars for swine; and

(4) [Thirty] **Sixty** thousand dollars for sheep and goats.

6. Eligible borrowers under the program:

(1) Shall use the proceeds of the family farm loan to acquire breeding livestock;

(2) Shall not finance more than ninety percent of the anticipated cost of the purchase of such livestock through the family farm livestock loan; and

(3) Shall not be charged interest by the lender, as defined in section 348.015, for the first year of the qualified family farm livestock loan.

7. Upon approval of the family farm livestock loan by a lender under subsection 4 of this section, the loan shall be submitted for approval by the agricultural and small business development authority. The authority shall promulgate rules establishing eligibility under this section, taking into consideration:

(1) The eligible borrower's ability to repay the family farm livestock loan;

(2) The general economic conditions of the area in which the farm is located;

(3) The prospect of a financial return for the small farmer for the type of livestock for which the family farm livestock loan is sought; and

(4) Such other factors as the authority may establish.

8. For eligible borrowers participating in the program, the authority shall be responsible for reviewing the purchase price of any livestock to be purchased by an eligible borrower under the program to determine whether the price to be paid is appropriate for the type of livestock purchased. The authority may impose a one-time loan review fee of one percent which shall be collected by the lender at the time of the loan and paid to the authority.

9. Nothing in this section shall preclude a small farmer from participating in any other agricultural program.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after said section and line the following:

“208.018. 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh food when purchasing fresh food at farmers’ markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:

(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP benefits with an electronic benefit transfer (EBT) card; and

(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers’ market or vending urban agricultural zone as defined in section 262.900 in an amount up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term “farmers’ market” shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under this section shall automatically trigger matching funds reimbursement into the central farmers’ market vendor accounts by the department.

4. The funding of this pilot program shall be subject to appropriation. In addition to appropriations from the general assembly, the department may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

5. The department shall promulgate rules setting forth the procedures and methods of implementing this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under and pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Under and pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall [sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section] **expire on August 28, 2033;** and

[(3)] **(2) This section shall terminate on September [first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset] 1, 2034.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the

following:

“135.755. 1. For the purposes of this section, the following terms shall mean:

(1) “Department”, the Missouri department of revenue;

(2) “Higher ethanol blend”, a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;

(3) “Retail dealer”, a person that owns or operates a retail service station;

(4) “Retail service station”, a location from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells higher ethanol blend at such retail dealer’s retail service station shall be allowed a tax credit to be taken against the retail dealer’s state income tax liability. The amount of the credit shall equal five cents per gallon of higher ethanol blend sold by the retail dealer and dispensed through metered pumps at the retail dealer’s retail service station during the tax year in which the tax credit is claimed. Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer’s state tax liability, the difference shall not be refundable, but may be carried forward to any of the five subsequent tax years. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed four million dollars.

3. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset on December 31, 2027, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[, hereafter referred to as the “director”].

281.020. As used in sections 281.010 to 281.115, the following terms mean:

(1) “Animal”, all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) “Applicator, operator or technician”:

(a) **“Certified applicator”, any certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;**

(b) “Certified commercial applicator”, any individual, whether or not [he] **the individual** is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [or] determine the need for the use of, **or supervise the determination of need for** any pesticide, whether classified for restricted use or for general use, while [he] **the individual** is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;

[(b)] (c) “Certified noncommercial applicator”, any individual, whether or not [he] **the individual** is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [him] **the individual** or [his] **the individual’s** employer;

[(c)] (d) “Certified private applicator”, any individual who is certified by the director as authorized to use[, or to supervise the use of,] any pesticide [which] **that** is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [him] **the individual** or [his] **the individual’s** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, on the property of another person];

[(d)] (e) **“Certified provisional private applicator”, any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual’s immediate family member, as long as the following requirements are met:**

a. The restricted use pesticide is not a fumigant;

b. The restricted use pesticide does not contain sodium cyanide or sodium fluoroacetate;

c. The individual does not apply any restricted use pesticide using aerial application equipment;

d. The individual does not supervise the use of any restricted use pesticide; and

e. The individual does not purchase any restricted use pesticide;

(f) “Certified public operator”, any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of [his] **the individual’s** duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;

[(e)] (g) **“Noncertified restricted use pesticide applicator”, any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public**

operator;

(h) “Private applicator”, any person not holding a certified private applicator’s license **or certified provisional private applicator’s license** who [shall be required to obtain a permit for the use of any restricted use pesticide] **uses general use pesticides or minimum risk pesticides** for the purposes of producing any agricultural commodity on property owned or rented by [him] **the person** or [his] **the person’s** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of that pesticide];

[(f)] (i) “Pesticide technician”, any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of [this chapter] **sections 281.010 to 281.115**, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

[(g)] (j) “Pesticide technician trainee”, any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician’s license;

(3) “Beneficial insects”, those insects [which] **that**, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) “Defoliant”, any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) **“Department” or “department of agriculture”, the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;**

(6) “Desiccant”, any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

[(6)] (7) “Determining the need for the use of any pesticide”, the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

[(7)] (8) “Device”, any instrument or contrivance, other than a firearm, [which] **that** is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) **“Director”, the director of the department of agriculture or the director’s designee;**

(10) **“Distribute”, to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;**

[(8)] (11) “Environment” includes, **but is not limited to**, water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] **that** exist among these;

[(9)] (12) “Equipment” [means] , any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized

household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

[(10)] **(13)** “Fungus”, any nonchlorophyll-bearing thallophyte, [that] **which** is[,] any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, **such** as[, for example,] rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) “General use pesticide”, any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;

(15) “Immediate family”, familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. As used in this subdivision, “first cousin” means the child of a parent’s sibling, i.e., the child of an aunt or uncle;

[(11)] **(16)** “Individual”, any responsible, natural human being;

[(12)] **(17)** “Insect”, any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, **such** as[, for example,] beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, **such** as[, for example,] spiders, mites, ticks, centipedes, and wood lice;

[(13)] **(18)** “Land”, all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) “Minimum risk pesticide”, any pesticide product exempted under 40 C.F.R. 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[(14)] **(20)** “Misuse of a pesticide”, a use of any [registered] pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;

[(15)] **(21)** “Nematode”, invertebrate animals of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(22) “Nontarget organism”, any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[(16)] **(23)** “Person”, any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

[(17)] **(24)** “Pest”:

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, [which] **that** is normally considered to be a pest;

[(18)] **(25)** “Pesticide”:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

[(19)] **(26)** “Pesticide dealer”, any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) “Pesticide dealership”, any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

[(20)] **(28)** “Plant regulator”, any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term “plant regulator” does not include any of those nutrient mixtures or soil amendments [which] **that** are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and [which] **that** are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

[(21)] “Private applicator permit”, a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of such pesticide;

(22)] **(29)** “Restricted use pesticide” or **“RUP”**, any pesticide when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

[(23)] **(30)** “Sale”, selling or offering for sale any pesticide;

[(24)] **(31)** “Snails” or “slugs” includes all harmful mollusks;

[(25)] **(32)** “Unreasonable adverse effects on the environment”, any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

[(26)] **(33)** “Under the direct supervision of a certified applicator”, when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

[(27)] **(34)** “Use”, mixing, **loading, or applying**[, storing or disposing of a] **any pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment**

wash waters, or other pesticide-containing materials;

~~[(28)] (35)~~ “Weed”, any plant ~~[which]~~ **that** grows where not wanted; [and

~~(29)] (36)~~ “Wildlife”, all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors ~~[which]~~ **that** the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if ~~[he]~~ **the director** finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. ~~[The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]~~

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides ~~[which]~~ **that** have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator~~], or a private applicator with a permit]~~. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days’ prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. 1. The director may, by regulation, classify [certified applicator, operator or technician] licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators [or] , pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if [he] **the individual** is certified in one or all of the certification categories provided under the license for which [he] **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035.1. No individual shall engage in the business of determining the need for the use of, supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless [he or she] **the certified commercial applicator** has demonstrated [his or her] **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any **general use pesticide or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use pesticide or minimum risk pesticide** by an individual operating under [his or her] **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [working] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.**

3. Application for a certified commercial applicator's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified commercial applicator's license until the applicant is

certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications [he or she] **the applicant** had applied for, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] **5.** The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case [said] **the license** shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain [restricted use] pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director shall require each certified commercial applicator or [his or her] **the certified commercial applicator's** employer to maintain records with respect to applications of any pesticide, **including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators.** Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] **the certified commercial applicator's** employer.

[7.] **8.** A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] **such person's or individual's** sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] **such person's or individual's** sole certified commercial applicator.

[8.] **9.** Every certified commercial applicator shall display [his or her] **the certified commercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9.] **10.** Every certified commercial applicator who changes the address from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045[, or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040] shall not use, or supervise the use of, any [restricted-use] **restricted use** pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless [he or she] **the certified noncommercial applicator** has demonstrated [his or her] **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. **No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.**

3. Application for a certified noncommercial applicator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he or she] **the applicant** has applied, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] **the applicant** is certified. The license shall expire one year from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] 6. The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to apply pesticides safely and properly.

[6.] 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

[7.] 8. Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by [himself or herself] **the certified noncommercial applicator** or [his or her] **the certified noncommercial applicator's** employer.

[8.] 9. The director shall require the certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer to maintain records with respect to applications of restricted use

pesticides. Any relevant information [which] **that** the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[9.] **10.** Every certified noncommercial applicator shall display [his or her] **the certified noncommercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator; that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified noncommercial applicator who changes the address from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. [After July 1, 1990,] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of **or use any general use** pesticide [nor use any] **or minimum risk** pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] **sections 281.010 to 281.115.**

2. Application for a pesticide technician's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department.** Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] **the applicant's** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the

pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any [restricted-use] **restricted use** pesticide unless [he] **the private applicator** first complies with the requirements determined pursuant to subsection [2 or 5] **3** of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.

3. The private applicator shall qualify for a certified private applicator's license or a certified provisional private applicator's license by [either] attending [a course or completing an online course of instruction] an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination provided by the director on the use, handling, storage, and application of [restricted-use] restricted use pesticides in the proper certification categories as specified by regulation. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] certification training program, completion of the online certification training program, or passage of the required private applicator certification examination, the director shall issue a certified private applicator's license or certified provisional private applicator's license to the applicant. The director shall not collect a fee for the issuance of such license[, but the] . University of Missouri Extension [service may] shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online. [However, no fee] Such fees shall be assessed [or collected from an individual completing an online course of instruction. Both the director of the department and of the University of Missouri Extension service shall review such costs annually.] based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such committee shall be provided revenue and expense information for the training program from the University of Missouri Extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time limit for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the House of Representatives and Senate agriculture or equivalent committees. The review committee shall be composed of five members including:

(1) The director;

(2) The director of the University of Missouri Extension, or such director's designee;

(3) The president of a statewide corn producers organization who actively grows corn, or such president's designee;

(4) **The president of a statewide soybean producers organization who actively grows soybeans, or such president's designee; and**

(5) **The president of the state's largest general farm membership organization, or such president's designee.**

[3.] **4. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.] upon successful completion of approved recertification training or by passing the required private applicator certification examination.**

5. On the date of the certified provisional private applicator's eighteenth birthday, such certified provisional private applicator's license shall automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may be renewed as a certified private applicator's license without charge or additional fee.

[4.] **6. If the director does not qualify the private applicator under this section [he], the director shall inform the applicant in writing of the reasons therefor.**

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] **the certified public operator** has demonstrated [his] **the certified public operator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. [Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]

3. **No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.**

4. Application for a certified public operator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include all information prescribed by the director by regulation.

[4.] **5.** The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he] **the applicant** has applied, and [his] **the applicant's** knowledge of the standards prescribed by regulations for the certification of public operators.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which [he] **the applicant** has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] **the operator's** employment. A certified public operator license shall expire three years from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director may renew any certified public operator license under the classification for which that applicant is licensed[, subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] **8.** The director shall require the certified public operator, or [his] **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] **the certified public operator's** employer.

[8.] **9.** Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] **10.** Every certified public operator shall display [his] **the certified public operator's** license in a prominent place at the site, location, or office from which [he] **the certified public operator** will operate as a certified public operator, that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified public operator who changes the address from which [he] **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

281.048. 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

2. No individual shall use restricted use pesticides while working under the direct supervision of

a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator, that place, location, or office being at the address printed on the license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless [he or she] **the individual** has obtained a license from the director [which] **that** shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each **pesticide dealership** location or outlet from which [such] **restricted use** pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user[. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] **shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, "selling or holding and offering for sale" shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.**

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the [director's office] **department**. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] **the applicator's** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] **that** provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] **the applicant's** knowledge of the laws and regulations governing the use and sale of pesticides and [his or her] **the applicant's** responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for insuring that all of [his or her] **the dealer's** employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] **the dealer** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away, or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial applicators [or] , certified public operators**, or to **certified private applicators [who have met the requirements of subsection 5 of section 281.040,] holding valid certifications in proper certification categories** or to other **licensed pesticide dealers**, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or [his or her] **the dealer's** employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] **the dealer's** employer.

7. Every licensed pesticide dealer who changes [his or her] **the dealer's** address or place of business shall immediately notify the director.

281.055. 1. If the [application for] renewal of any license[,] **or** certification [or permit] provided for in [this chapter] **sections 281.010 to 281.115** is not filed prior to **the** expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] **or** certification [or permit] shall be renewed[; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] **or** certification [or permit] may renew the license[,] **or** certification [or permit] for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then], **the license shall be cancelled and** the licensee

shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[,] a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for [said] **the** publication.

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license[, permit,] or certification issued under sections 281.010 to 281.115, if [he] **the director** finds that the applicant or the holder of a license[, permit,] or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in [another] **this state or in any** state or protectorate of the United States, or has had a pesticide applicator license[, or certificate [or permit] denied, suspended, revoked or modified by [another] **any** state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under [this chapter] **sections 281.010 to 281.115**, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. **Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] **person** is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and compel the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[, or certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] **pesticide use by** the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director [or his or her

designee] at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten [working] days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in [his or her] **the bond- or policyholder's** application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel [his or her] **the bond- or policyholder** license, or deny the license of an applicant, and give [him or her] **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages [which] **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that [he] **the person** has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be

filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and [he] **the director** shall make [his] **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and [his] **the licensee's** representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a license [or permit] issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by [him] **the director**:

(1) Examine, or cause to be examined, under oath, any person;

(2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;

(3) Hear such testimony and take such evidence as will assist [him] **the director** in the discharge of [his] **the director's** duties under [this chapter] **sections 281.010 to 281.115**;

(4) Administer or cause to be administered [oath] **oaths**; and

(5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. [1.] The director may issue a [license or] **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed [or] **as a certified [in another state substantially] applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued** in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [must] **shall** be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or pesticide containers in such a manner **that is inconsistent with label directions or** as to cause injury to humans, vegetation, crops,

livestock, wildlife, beneficial insects, or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual] **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, [to] **cause to use**, use, or [to] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the** Missouri pesticide use act or **the** Missouri pesticide registration act;

(2) It shall be unlawful for any [individual] **person** to misuse any pesticide;

(3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) **It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;**

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use, or misuse of any pesticide;

[(4)] (6) It shall be unlawful to make any false or misleading statement on any application, form, or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[(5)] (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim, through any media, [which] **that** misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

[(6)] (8) It shall be unlawful to make any false or misleading statement specifying[,] or inferring that a person or [his] **the person's** methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[(7)] (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder; **and**

(10) **It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or to aid or abet any person in stealing or attempting to steal examinations or examination materials, cheating on examinations, or evading recertification or retraining requirements.**

3. Other acts [which] **that** are not specified, but [which] **that** violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

301.033. 1. **Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the**

director of revenue shall establish a system of registration on a calendar year basis of all farm vehicles, as defined in section 302.700, owned or purchased by a farm vehicle fleet owner registered under this section. The director of revenue shall prescribe the forms for such farm vehicle fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of more than one farm vehicle which is required to be registered under this chapter may, at his or her option, register a fleet of farm vehicles on a calendar year or biennial basis under this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of a fleet of farm vehicles registered under this section.

2. All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the farm vehicle fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a farm vehicle fleet shall be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the farm vehicle fleet which are required to be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee, and when licensed on or after January first the fee shall be one-fourth the annual fee. If biennial registration is sought for vehicles added to a farm vehicle fleet, an additional year's annual fee shall be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a farm vehicle fleet purchases or otherwise acquires a farm vehicle which is to be added to the farm vehicle fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The farm vehicle fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred under this subsection.

4. Except as specifically provided in this subsection, all farm vehicles registered under this section shall be issued a special license plate which shall have the words "Farm Fleet Vehicle" and shall meet the requirements prescribed by section 301.130. Farm fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

5. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking

authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill, Page 14, Section 266.355, Line 25, by inserting after all of said section and line the following:

“Section B. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of section A of this act and the enactment of section 281.048 of section A of this act shall become effective on January 1, 2024.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 15**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

RESOLUTIONS

Senator O’Laughlin offered Senate Resolution No. 338, regarding Kelsey Marek, Salisbury, which was adopted.

Senator Riddle offered Senate Resolution No. 339, regarding Chloe Momphard, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 340, regarding Kaylynn Dunn, Wright City, which was adopted.

Senator Riddle offered Senate Resolution No. 341, regarding Riley Sullivan, Silex, which was adopted.

Senator Brown offered Senate Resolution No. 342, regarding Russ Mudd, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 343, regarding Christy Campbell, Newburg, which was adopted.

Senator Brown offered Senate Resolution No. 344, regarding Catherine DeLong, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 345, regarding Kathy Mudd, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 346, regarding Mary E. Hinkel, Newburg, which was adopted.

INTRODUCTION OF GUESTS

Senator Bean introduced to the Senate, Campbell High School basketball team, Campbell.

Senator Eslinger introduced to the Senate, Rick Hamby, Bev Hamby, Robert Kline, Sandy Heriford, Jan Herschend; and Peter Herschend.

Senator Schupp introduced to the Senate, Devin Kancherla, Ladue.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-EIGHTH DAY—THURSDAY, APRIL 29, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 265-Eslinger
SB 231-Burlison

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 349 (Koenig)
(In Fiscal Oversight) | 17. HB 249-Ruth (Wieland) |
| 2. HCS for HJR 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight) | 18. HCS for HB 685, with SCS (Brown) |
| 3. HCS#2 for HB 75 (Onder) | 19. HCS for HBs 85 & 310, with SCS
(Burlison) (In Fiscal Oversight) |
| 4. HCS for HB 362, with SCS (Wieland) | 20. HB 670-Houx (Moon) |
| 5. HB 657-Trent, with SCS (Hough) | 21. HB 488-Hicks, with SCS (Burlison)
(In Fiscal Oversight) |
| 6. HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097 (Bernskoetter)
(In Fiscal Oversight) | 22. HCS for HB 13, with SCS (Hegeman) |
| 7. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight) | 23. HCS#2 for HB 69, with SCS (Bean) |
| 8. HB 273-Hannegan, with SCS (Riddle) | 24. HCS for HBs 557 & 560 (White)
(In Fiscal Oversight) |
| 9. HCS for HB 574 (Riddle) | 25. HB 578-Bromley, with SCS (Brown)
(In Fiscal Oversight) |
| 10. HCS for HB 529, with SCS (Hoskins)
(In Fiscal Oversight) | 26. HB 687-Riley (Hough) |
| 11. HCS for HB 384, with SCS (Wieland)
(In Fiscal Oversight) | 27. HB 661-Ruth (Brown) |
| 12. HCS for HB 697, with SCS (Crawford) | 28. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) (In Fiscal Oversight) |
| 13. HB 604-Gregory (51), with SCS (Crawford) | 29. HS for HB 297 (Rehder) (In Fiscal Oversight) |
| 14. HCS for HJR 35 (Schatz)
(In Fiscal Oversight) | 30. HB 624-Richey (Arthur) (In Fiscal Oversight) |
| 15. HB 542-Shields (Burlison) | 31. HCS for HB 17 (Hegeman) |
| 16. HB 948-Francis, with SCS (Hoskins)
(In Fiscal Oversight) | 32. HCS for HB 18, with SCS (Hegeman) |
| | 33. HCS for HB 19, with SCS (Hegeman) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)	SB 182-O'Laughlin
SB 3-Hegeman	SB 183-O'Laughlin
SB 7-Riddle, with SS & SA 1 (pending)	SB 184-Bean, with SCS
SB 10-Schatz, with SS (pending)	SB 195-Koenig
SB 11-Schatz, with SS & SA 1 (pending)	SB 198-Eigel, with SCS
SB 24-Eigel, with SS#2 (pending)	SB 204-Cierpiot, with SCS
SB 30-Cierpiot	SB 206-Arthur
SB 39-Burlison, with SS (pending)	SB 218-Luetkemeyer, with SCS
SB 47-Hough	SB 227-Arthur
SB 54-O'Laughlin, with SCS	SB 236-Hough, with SCS
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)	SB 244-Onder
SB 62-Williams, with SCS	SB 253-Hegeman
SB 65-Rehder, with SCS	SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)
SB 74-Bean, with SCS	SB 255-Riddle
SB 92-Riddle, with SCS	SB 282-Hegeman, with SCS
SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 287-Crawford
SB 95-Onder, with SCS	SB 291-Brown
SB 96-Hoskins, with SCS	SB 295-Crawford, with SCS
SB 98-Hoskins, with SCS (pending)	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 100-Koenig, with SCS	SB 306-Bernskoetter, with SCS
SB 105-Crawford, with SCS	SB 313-Eigel
SB 114-Bernskoetter	SB 316-Hough
SB 123-Hough, with SS & SA 2 (pending)	SB 317-May
SB 131-Luetkemeyer	SB 318-May, with SCS
SB 132-O'Laughlin, with SCS	SB 334-Bernskoetter
SB 134-O'Laughlin and Cierpiot	SB 343-Brown
SB 137-Brattin	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 138-Brattin, with SCS	SB 360-Wieland, with SCS
SB 139-Bean	SB 361-Wieland
SB 149-Onder	SB 369-White
SB 163-Cierpiot	SB 370-Brown
SB 168-Burlison	SB 372-Riddle
SB 169-Burlison	SB 375-Eigel
SB 174-Hough, with SCS	SB 383-Moon
SB 179-Luetkemeyer	

SB 390-Luetkemeyer	SB 529-Cierpiot
SB 399-Eigel	SB 547-Hoskins, with SCS
SB 400-Onder, with SCS	SB 561-Gannon
SB 404-Riddle	SB 562-Schupp
SB 408-Wieland	SB 577-Riddle, with SCS
SB 434-Washington	SB 582-Eslinger
SB 437-Hoskins	SB 604-Koenig, with SCS
SB 459-Brattin, with SCS	SJR 2-Onder, with SCS
SB 465-Hoskins, with SCS	SJR 4-Koenig
SB 466-Hoskins, with SCS	SJR 7-Eigel
SB 473-Brown	SJR 12-Luetkemeyer
SB 481-Hough, et al	SJR 16-Eslinger
SB 506-Bean	

HOUSE BILLS ON THIRD READING

HB 333-Simmons (Onder)	HB 850-Wiemann (Eigel)
HB 476-Grier (Bernskoetter)	
(In Fiscal Oversight)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 640-Morse (Bean)
HB 202-McGill (Gannon)	HB 1053-Patterson (Onder)
HB 404-Aldridge (May)	HB 296-Wallingford (White)
HB 449-Tate (Gannon)	HB 298-Wallingford (White)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 37-Bernskoetter, with HA 1, HA 2, HA 4, HA 5 & HA 6

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 15, with SCS (Hegeman)
(House requests Senate recede or grant
conference)

RESOLUTIONS

Reported from Committee

SCR 4-Burlison
SCR 8-Hoskins
SCR 9-Moon

SCR 11-Brattin
SR 90-Onder
HCS for HCRs 4 & 5 (Roberts)

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY—THURSDAY, APRIL 29, 2021

The Senate met pursuant to adjournment.

Senator Bernskoetter in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Hear, O Lord, when I cry aloud, be gracious to me and answer me!” (Psalm 27:7)

Holy God, we pray that You will help us clear the way of things and issues that clutter our thinking and keeps us from performing our duty to look out for the people of Missouri who need the changes that are most helpful and needful that only we can perform. And Lord let us have Your presence in our lives so that as we act, we are assured Your love touches us and those we travel home to be with. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator White announced photographers from ABC News were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Eslinger offered Senate Resolution No. 347, regarding Paula Wiedemann, West Plains, which was adopted.

Senator Schupp offered Senate Resolution No. 348, regarding Elyse Lederer, Chesterfield, which was adopted.

Senator Schupp offered Senate Resolution No. 349, regarding Karen Aroesty, which was adopted.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 66**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 701**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 139**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HB 299**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HS** for **HB 432**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were

referred **HB 624**; **HS** for **HB 297**; **HB 948**, with **SCS**; **HB 530** and **HCS** for **HB 292**, with **SCS**; and **HB 578**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 369**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HJR**s **23** and **38**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Bernskoetter assumed the Chair.

PRIVILEGED MOTIONS

Senator Hegeman moved that the Senate refuse to recede from its position on **HCS** for **HB 15**, with **SCS**, and grant the House a conference thereon, which motion prevailed.

CONCURRENT RESOLUTIONS

SCR 4, introduced by Senator Burlison, entitled:

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

Was taken up.

On motion of Senator Burlison, **SCR 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	Beck	May	Moon	Mosley	Razer	Rizzo
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Roberts Schupp Washington Williams—11

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Burlison, title to the concurrent resolution was agreed to.

Senator Burlison moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HJR 35**, **HCS** for **HBs 557** and **560**, and **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873** and **1097**, begs leave to report that it has considered the same and recommends that the joint resolution and bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 3**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 4**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 5**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to adopt **SCS** for **HCS** for **HB 6**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 7**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 10**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 11**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONCURRENT RESOLUTIONS

Senator Moon moved that **SCR 9** be taken up for adoption, which motion prevailed.

Senator Hoskins offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 9, as it appears on Page 240 of the Senate Journal for Tuesday, February 9, 2021, Line 21, by inserting after all of said line the following:

“Be It Further Resolved that this resolution, prior to becoming effective, shall be submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2022, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general

assembly, and this resolution shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Moon, **SCR 9**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Brattin moved that **SCR 11** be taken up for adoption, which motion prevailed.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 11, as it appears on Page 282 of the Senate Journal for Monday, February 22, 2021, Line 6, by striking “October” and inserting in lieu thereof the following: “September”.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Brattin, **SCR 11**, as amended, was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland—33		

NAYS—Senators—None

Absent—Senator Williams—1

Absent with leave—Senators—None

Vacancies—None

President Kehoe assumed the Chair.

RESOLUTIONS

Senator Onder moved that **SR 90** be taken up for adoption, which motion prevailed.

On motion of Senator Onder, **SR 90** was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Beck O’Laughlin Washington—3

Absent with leave—Senators—None

Vacancies—None

CONCURRENT RESOLUTIONS

Senator Roberts moved that **HCS** for **HCRs 4** and **5** be taken up for adoption, which motion prevailed.

On motion of Senator Roberts, **HCS** for **HCRs 4** and **5** was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Cierpiot O’Laughlin—2

Absent with leave—Senators—None

Vacancies—None

SENATE BILLS FOR PERFECTION

At the request of Senator Eslinger, **SB 265** was placed on the Informal Calendar.

Senator Burlison moved that **SB 231** be taken up for perfection, which motion prevailed.

On motion of Senator Burlison, **SB 231** was declared perfected and ordered printed.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 189**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

At the request of Senator Onder, **HCS No. 2** for **HB 75** was placed on the Informal Calendar.

At the request of Senator Wieland, **HCS** for **HB 362**, with **SCS**, was placed on the Informal Calendar.

HB 657, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bernskoetter, **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873** and **1097** was placed on the Informal Calendar.

HB 273, introduced by Representative Hannegan, with **SCS**, entitled:

An Act amend chapter 329, RSMo, by adding thereto one new section relating to the practice of shampooing.

Was taken up by Senator Riddle.

SCS for **HB 273**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 273

An Act to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 334.104, 335.175, 337.068, 339.100, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirty new sections relating to professional registration, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS** for **HB 273** be adopted.

Senator Riddle offered **SS** for **SCS** for **HB 273**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 273

An Act to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 334.104, 335.175, 337.068, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirty-one new sections relating to professional registration, with penalty provisions.

Senator Riddle moved that **SS** for **SCS** for **HB 273** be adopted.

Senator White offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 273, Pages 57-64, Section 334.104, by striking all of said section from the bill; and

Further amend said bill, pages 64-65, section 335.175, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator White moved that the above amendment be adopted.

Senator Burlison requested a roll call vote be taken and was joined in his request by Senators Eslinger, Moon, O'Laughlin, and White.

Senator Bernskoetter assumed the Chair.

At the request of Senator Riddle, **SS** for **SCS** for **HB 273** was withdrawn, rendering **SA 1** moot.

At the request of Senator Riddle, **HB 273**, with **SCS** (pending), was placed on the Informal Calendar.

HCS for **HB 574**, entitled:

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

Was taken up by Senator Riddle.

At the request of Senator Riddle, **HCS** for **HB 574** was placed on the Informal Calendar.

Senator Riddle moved that **HCS** for **HB 574** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Riddle offered **SS** for **HCS** for **HB 574**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 574

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

Senator Riddle moved that **SS** for **HCS** for **HB 574** be adopted.

Senator Roberts offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 574, Page 2, Section 261.099, Line 36, by striking “or civil case”.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 574, Page 2, Section 261.099, Line 26, by inserting after “county” the following: “, **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants,**”.

Senator Eigel moved that the above amendment be adopted.

Senator Razer offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 574, Page 1, Line 1, by striking “26” and inserting in lieu thereof the following: “26-27”; and

Further amend said amendment, lines 2-5, by striking all of said lines and inserting in lieu thereof the following:

“by striking all of said lines and inserting in lieu thereof the following: **“performed in any municipality located in three or more counties, with one being a charter county, charter counties, except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, or any city not within a county.”.**”.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Eigel moved that **SA 2**, as amended, be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator Beck offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 574, Page 1, Section 261.099, Line 12, by inserting immediately after the semicolon “;” the following: **“or”**; and further amend line 13, by striking “; or” and inserting in lieu thereof a period “.”; and further amend lines 14-15, by striking all of said lines.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS** for **HCS** for **HB 574**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS** for **HCS** for **HB 574**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer	May
Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	Beck	Mosley	Razer	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Riddle moved that **HB 273**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection.

SCS for **HB 273** was again taken up.

Senator Riddle moved that **SCS** for **HB 273** be adopted.

Senator Riddle offered **SS No. 2** for **SCS** for **HB 273**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 273

An Act to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof twenty-nine new sections relating to professional registration, with penalty provisions.

Senator Riddle moved that **SS No. 2** for **SCS** for **HB 273** be adopted.

Senator Razer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 273, Page 58, Section 337.068, Line 44, by inserting after all of said line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of

medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's

prescription order.

11. “Veterinarian”, “doctor of veterinary medicine”, “practitioner of veterinary medicine”, “DVM”, “VMD”, “BVSe”, “BVMS”, “BSe (Vet Science)”, “VMB”, “MRCVS”, or an equivalent title means a person who has received a doctor’s degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient’s [primary] health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.

2. For purposes of this section, “postexposure prophylaxis” shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.

3. For purposes of this section, “CDC guidelines” shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.

4. The state board of registration for the healing arts and the state board of pharmacy shall jointly promulgate rules and regulations for the administration of this section. Neither board shall separately

promulgate rules governing a pharmacist's authority to dispense HIV postexposure prophylaxis under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS No. 2 for SCS for HB 273**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS No. 2 for SCS for HB 273**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Hough—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Bernskoetter moved that the Senate refuse to concur in **SB 37**, with **HA 1, HA 2, HA 3, HA 4, HA 5 and HA 6**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS for SCS for HCS for HB 2** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS for SCS for HCS for**

HB 3 and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 4** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 5** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 6** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 7** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 8** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 9** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 10** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 11** and grant the House a conference thereon, which motion prevailed.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 12** and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 106**.

Bill Ordered Enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 242**, entitled:

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof five new sections relating to telecommunication practices, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 353**, entitled:

An Act to repeal sections 287.170 and 287.180, RSMo, and to enact in lieu thereof two new sections relating to the electronic transfer of workers' compensation benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 839**, entitled:

An Act to repeal section 590.030, RSMo, and to enact in lieu thereof one new section relating to peace officer license requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 381**, entitled:

An Act to repeal sections 50.800, 50.810, 50.815, and 50.820, RSMo, and to enact in lieu thereof two new sections relating to county financial statements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 338**, entitled:

An Act to repeal sections 60.301, 60.315, and 60.345, RSMo, and to enact in lieu thereof three new sections relating to land surveys.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 443**, entitled:

An Act to repeal sections 214.160 and 214.270, RSMo, and to enact in lieu thereof two new sections relating to cemeteries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1061**, entitled:

An Act to repeal section 620.2005, RSMo, and to enact in lieu thereof one new section relating to the Missouri works program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 508**, entitled:

An Act to repeal sections 270.170, 270.180, 270.260, 270.270, and 270.400, RSMo, and to enact in lieu thereof five new sections relating to feral swine, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 231**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Schatz offered Senate Resolution No. 350, regarding Anna Tarpey, Wildwood, which was adopted.

Senator Schatz offered Senate Resolution No. 351, regarding Caitlyn Sullivan, Gerald, which was adopted.

Senator Hough offered Senate Resolution No. 352, regarding the 2020 Missouri State University Football Bears, Springfield, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Monday, May 3, 2021.

SENATE CALENDAR

FIFTY-NINTH DAY—MONDAY, MAY 3, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 242

HB 353-Henderson

HCS for HB 839
 HB 381-McGaugh
 HB 338-Mayhew

HCS for HB 443
 HB 1061-Eggleston
 HCS for HB 508

THIRD READING OF SENATE BILLS

SB 231-Burlison

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
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| 1. HCS for HB 349 (Koenig)
(In Fiscal Oversight) | 17. HCS#2 for HB 69, with SCS (Bean) |
| 2. HCS for HJRs 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight) | 18. HCS for HBs 557 & 560 (White) |
| 3. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight) | 19. HB 578-Bromley, with SCS (Brown) |
| 4. HCS for HB 529, with SCS (Hoskins)
(In Fiscal Oversight) | 20. HB 687-Riley (Hough) |
| 5. HCS for HB 384, with SCS (Wieland)
(In Fiscal Oversight) | 21. HB 661-Ruth (Brown) |
| 6. HCS for HB 697, with SCS (Crawford) | 22. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) |
| 7. HB 604-Gregory (51), with SCS
(Crawford) | 23. HS for HB 297 (Rehder) |
| 8. HCS for HJR 35 (Schatz) | 24. HB 624-Richey (Arthur) |
| 9. HB 542-Shields (Burlison) | 25. HCS for HB 17 (Hegeman) |
| 10. HB 948-Francis, with SCS (Hoskins) | 26. HCS for HB 18, with SCS (Hegeman) |
| 11. HB 249-Ruth (Wieland) | 27. HCS for HB 19, with SCS (Hegeman) |
| 12. HCS for HB 685, with SCS (Brown) | 28. HCS for HB 734, with SCS (Cierpiot) |
| 13. HCS for HBs 85 & 310, with SCS
(Burlison) (In Fiscal Oversight) | 29. HCS for HB 66 (Onder) |
| 14. HB 670-Houx (Moon) | 30. HB 701-Black (Onder) |
| 15. HB 488-Hicks, with SCS (Burlison)
(In Fiscal Oversight) | 31. HB 139-Hudson (Burlison) |
| 16. HCS for HB 13, with SCS (Hegeman) | 32. HB 299-Wallingford, with SCS (Eigel) |
| | 33. HS for HB 432, with SCS (White) |
| | 34. HCS for HB 137, with SCS
(Luetkemeyer) |
| | 35. HCS for HB 228, with SCS (O'Laughlin) |
| | 36. HCS for HB 369 (Bernskoetter) |
| | 37. HCS for HJRs 23 & 38 (Eslinger) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)	SB 169-Burlison
SB 3-Hegeman	SB 174-Hough, with SCS
SB 7-Riddle, with SS & SA 1 (pending)	SB 179-Luetkemeyer
SB 10-Schatz, with SS (pending)	SB 182-O’Laughlin
SB 11-Schatz, with SS & SA 1 (pending)	SB 183-O’Laughlin
SB 24-Eigel, with SS#2 (pending)	SB 184-Bean, with SCS
SB 30-Cierpiot	SB 195-Koenig
SB 39-Burlison, with SS (pending)	SB 198-Eigel, with SCS
SB 47-Hough	SB 204-Cierpiot, with SCS
SB 54-O’Laughlin, with SCS	SB 206-Arthur
SBs 55, 23 & 25-O’Laughlin, et al, with SCS & SS for SCS (pending)	SB 218-Luetkemeyer, with SCS
SB 62-Williams, with SCS	SB 227-Arthur
SB 65-Rehder, with SCS	SB 236-Hough, with SCS
SB 74-Bean, with SCS	SB 244-Onder
SB 92-Riddle, with SCS	SB 253-Hegeman
SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)
SB 95-Onder, with SCS	SB 255-Riddle
SB 96-Hoskins, with SCS	SB 265-Eslinger
SB 98-Hoskins, with SCS (pending)	SB 282-Hegeman, with SCS
SB 100-Koenig, with SCS	SB 287-Crawford
SB 105-Crawford, with SCS	SB 291-Brown
SB 114-Bernskoetter	SB 295-Crawford, with SCS
SB 123-Hough, with SS & SA 2 (pending)	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 131-Luetkemeyer	SB 306-Bernskoetter, with SCS
SB 132-O’Laughlin, with SCS	SB 313-Eigel
SB 134-O’Laughlin and Cierpiot	SB 316-Hough
SB 137-Brattin	SB 317-May
SB 138-Brattin, with SCS	SB 318-May, with SCS
SB 139-Bean	SB 334-Bernskoetter
SB 149-Onder	SB 343-Brown
SB 163-Cierpiot	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 168-Burlison	

SB 360-Wieland, with SCS
 SB 361-Wieland
 SB 369-White
 SB 370-Brown
 SB 372-Riddle
 SB 375-Eigel
 SB 383-Moon
 SB 390-Luetkemeyer
 SB 399-Eigel
 SB 400-Onder, with SCS
 SB 404-Riddle
 SB 408-Wieland
 SB 434-Washington
 SB 437-Hoskins
 SB 459-Brattin, with SCS
 SB 465-Hoskins, with SCS

SB 466-Hoskins, with SCS
 SB 473-Brown
 SB 481-Hough, et al
 SB 506-Bean
 SB 529-Cierpiot
 SB 547-Hoskins, with SCS
 SB 561-Gannon
 SB 562-Schupp
 SB 577-Riddle, with SCS
 SB 582-Eslinger
 SB 604-Koenig, with SCS
 SJR 2-Onder, with SCS
 SJR 4-Koenig
 SJR 7-Eigel
 SJR 12-Luetkemeyer
 SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS#2 for HB 75 (Onder)
 HB 333-Simmons (Onder)
 HCS for HB 362, with SCS (Wieland)
 HB 476-Grier (Bernskoetter)
 (In Fiscal Oversight)

HB 657-Trent, with SCS (Hough)
 HB 850-Wiemann (Eigel)
 HCS for HBs 1083, 1085, 1050, 1035,
 1036, 873 & 1097 (Bernskoetter)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)
 HB 202-McGill (Gannon)
 HB 404-Aldridge (May)
 HB 449-Tate (Gannon)
 HB 522-Windham (Williams)

HB 640-Morse (Bean)
 HB 1053-Patterson (Onder)
 HB 296-Wallingford (White)
 HB 298-Wallingford (White)
 HB 262-Black (137) (Eslinger)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SS for SCS (Hegeman)	HCS for HB 8, with SCS (Hegeman)
HCS for HB 3, with SS for SCS (Hegeman)	HCS for HB 9, with SCS (Hegeman)
HCS for HB 4, with SS for SCS (Hegeman)	HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)	HCS for HB 11, with SS for SCS (Hegeman)
HCS for HB 6, with SCS (Hegeman)	HCS for HB 12, with SCS (Hegeman)
HCS for HB 7, with SCS (Hegeman)	HCS for HB 15, with SCS (Hegeman)

Requests to Recede or Grant Conference

SB 37-Bernskoetter, with HA 1, HA 2,
HA 3, HA 4, HA 5 & HA 6 (Senate
requests House recede or grant
conference)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

✓

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—MONDAY, MAY 3, 2021

The Senate met pursuant to adjournment.

Senator Crawford in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Blessed be the Lord, who daily bears us up: God is our salvation.” (Psalm 68:19)

Gracious God, help us to always remember that whatever circumstances of life we are living through, You are with us to sustain us and guide our efforts to be Your servants. There is much to be done these final two weeks and we are grateful that You bear us up, giving us the patience and love to willingly use these final weeks we have together to make the best use of this time to be of help to one another. So, we ask watch over us this week and provide us the energy that will surely be needed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 29, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Onder offered Senate Resolution No. 353, regarding the Missouri Falun Dafa Association, which was adopted.

Senator Koenig offered Senate Resolution No. 354, regarding Michael P. Jones, St. Louis, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 355, regarding Bruce R. Lowe, California, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 356, regarding the nurses at Capital Region Medical Center, Jefferson City, which was adopted.

Senator Crawford offered Senate Resolution No. 357, regarding Keaton Gibbs, Windsor, which was adopted.

Senator Rowden offered Senate Resolution No. 358, regarding Janice Rehak, Columbia, which was adopted.

Senator Mosley offered Senate Resolution No. 359, regarding Kaitlyn Smith, St. Louis, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 360, regarding Barbara Ann Rice, Kirksville, which was adopted.

Senator Gannon offered Senate Resolution No. 361, regarding Bradley James Glass, Festus, which was adopted.

Senator May offered Senate Resolution No. 362, regarding Blaine Folsom, Versailles, which was adopted.

Senator May offered Senate Resolution No. 363, regarding Meaghan O’Neal, Kansas City, which was adopted.

Senator May offered Senate Resolution No. 364, regarding Eleina Newton, Silex, which was adopted.

Senator May offered Senate Resolution No. 365, regarding Jackson Winters, Columbia, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

STATE OF MISSOURI

May 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jill C. Irvin, 276 Culloden Moore, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2024, and until her successor is duly appointed and qualified; vice, Jill C. Irvin, reappointed.

Respectfully Submitted,

Michael L. Parson
Governor

Also,

GOVERNOR OF MISSOURI
STATE OF MISSOURI
May 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle Luster, 718 Benvenue Drive, Saint Louis, Saint Louis City, Missouri 63137, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2025, and until her successor is duly appointed and qualified; vice, Michelle Luster, reappointed.

Respectfully Submitted,

Michael L. Parson
Governor

Also,

GOVERNOR OF MISSOURI
STATE OF MISSOURI
May 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dale Hardy Roberts, 5820 Eagle Lake Drive, Ashland, Boone County, Missouri 65010, as a member of the State Board of Mediation, for a term ending April 1, 2024, and until his successor is duly appointed and qualified; vice, Dale Hardy Roberts, reappointed.

Respectfully Submitted,

Michael L. Parson
Governor

President Pro Tem Schatz referred the above reappointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 106**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 476**; **HCS** for **HB 59**, with **SCS**; **HB 488**, with **SCS**; and **HCS** for **HB 529**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Schatz referred **HS** for **HB 432**, with **SCS**; **HCS** for **HJR**s **23** and **38**; and **HCS** for

HB 734, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 231, introduced by Senator Burlison, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the appointment and duties of commissioners to attend an Article V Convention.

Was taken up.

On motion of Senator Burlison, **SB 231** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
O’Laughlin	Onder	Rehder	Riddle	Rowden	Schatz	White
Wieland—22						

NAYS—Senators

Arthur	Beck	May	Moon	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—11			

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Burlison, title to the bill was agreed to.

Senator Burlison moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator May moved that **SB 317** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator May offered **SS** for **SB 317**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 317

An Act to repeal section 454.1005, RSMo, and to enact in lieu thereof one new section relating to child support enforcement.

Senator May moved that **SS** for **SB 317** be adopted, which motion prevailed.

On motion of Senator May, **SS** for **SB 317** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS#2** for **SCS** for **HCS** for **HB 271**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 49**, entitled:

An Act to repeal sections 306.030 and 306.221, RSMo, and to enact in lieu thereof two new sections relating to watercraft, with a penalty provision.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 49, Page 1, In the Title, Line 3, by deleting the word “watercraft” and inserting in lieu thereof the words “public safety”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 49, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.580, and in addition as used in sections 301.550 to 301.580, the following terms mean:

(1) “Boat dealer”, any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.580; **except that, such sales requirements shall be waived for entities also licensed as boat manufacturers under section 301.559 who custom manufacture boats:**

(a) For use with biological research and management equipment for fisheries; or

(b) For use with scientific sampling and for geological or chemistry purposes.

The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.580;

(2) “Boat manufacturer”, any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) “Department”, the Missouri department of revenue;

(4) “Director”, the director of the Missouri department of revenue;

(5) “Emergency vehicles”, motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) “Manufacturer”, any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) “Motor vehicle broker”, a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) “Motor vehicle dealer” or “dealer”, any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of eight or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.580. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. To be eligible for license renewal, applicants shall meet the minimum requirement of eight sales per year;

(9) “New motor vehicle”, any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term “new motor vehicle” shall not include manufactured homes, as defined in section 700.010;

(10) “New motor vehicle franchise dealer”, any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) “Person” includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) “Powersport dealer”, any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) “Public motor vehicle auction”, any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) “Recreational motor vehicle dealer”, a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(15) “Storage lot”, an area within the same city or county where a dealer may store excess vehicle inventory;

(16) “Trailer dealer”, any person selling, either exclusively or otherwise, trailers as defined in section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.580. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) “Used motor vehicle”, any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.580, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee’s name. The term “used motor vehicle” shall not include manufactured homes, as defined in section 700.010;

(18) “Used motor vehicle dealer”, any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) “Vessel”, every boat and watercraft defined as a vessel in section 306.010;

(20) “Vessel trailer”, any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) “Wholesale motor vehicle auction”, any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) “Wholesale motor vehicle dealer”, a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.580, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers.”; and

Further amend said bill, Page 4, Section 306.221, Line 14, by inserting after said section and line the following:

“307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller’s expense every used motor vehicle of the type required to be inspected by section 307.350[, whether new or used,] shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

650.125. 1. The provisions of this section shall be known and may be cited as the “Missouri

Cybersecurity Act”.

2. There is hereby established within the department of public safety the “Missouri Cybersecurity Commission”. The commission shall have as its purpose identifying risk to and vulnerability of the state and critical infrastructure with regard to cyber attacks of any nature from within or outside the United States and advising the governor on such matters. The commission shall consist of the following members:

(1) Eight members to be appointed by the governor, one from each congressional district, with four members from each party;

(2) The state chief information officer as designated by the governor and commissioner of the office of administration;

(3) One representative of the Missouri state highway patrol, ex officio;

(4) One representative of the state emergency management agency, ex officio; and

(5) One representative of the Missouri national guard, ex officio.

No more than five of the nine members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated expertise in cybersecurity or experience in a field that directly correlates to a need of the state relating to cyber defense. The membership of the commission shall reflect both private sector and public sector expertise and experience in cybersecurity. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, three shall be for one-year terms, three shall be for two-year terms, and three shall be for three-year terms. No appointed member of the commission shall serve more than six years total. Any vacancy on the commission shall be filled in the same manner as the original appointment.

3. The members of the commission shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the discharge of the members’ official duties.

4. A chair of the commission shall be selected by the members of the commission.

5. The department of public safety shall furnish administrative support and staff for the effective operation of the commission.

6. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

7. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission’s annual appropriation shall be based on a competitive bid process.

8. The commission shall:

(1) Advise the governor on the state of cybersecurity in the state of Missouri;

(2) Solicit data from state agencies, political subdivisions of the state, public institutions of higher education, and public schools relating to cybersecurity;

(3) Make recommendations to reduce the state’s risk of cyber attack and to identify best practices for the state to work offensively against cyber threats.

9. State agencies, public institutions of higher education, and public schools shall provide any data requested by the commission under this section unless such information is protected from disclosure under chapter 610 or is required to be kept confidential under a code of ethics from a profession licensed in the state. The provisions of this section shall not be construed to compel private sector organizations to provide information or data to the commission.

10. The commission shall prepare and present an annual report to the governor by December thirty-first of each year. Any content from the report protected under section 610.021, including any cybersecurity vulnerabilities identified by the commission, shall be held confidential.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 71**, entitled:

An Act to repeal sections 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof nine new sections relating to civil proceedings.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 71, Page 1, Section A, Line 4, by inserting after said section and line the following:

“211.261. 1. An appeal shall be allowed to the child from any final judgment, order or decree made under the provisions of this chapter and may be taken on the part of the child by its parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be allowed to a parent from any final judgment, order or decree made under the provisions of this chapter which adversely affects him. An appeal shall be allowed to the juvenile officer from any final judgment, order or decree made under this chapter, except that no such appeal shall be allowed concerning a final determination pursuant to subdivision (3) of subsection 1 of section 211.031. Notice of appeal shall be filed within thirty days after the final judgment, order or decree has been entered but neither the notice of appeal nor any motion filed subsequent to the final judgment acts as a supersedeas unless the court so orders.

2. Notwithstanding the provisions of subsection 1 of this section, an appeal shall be allowed to the:

(1) Juvenile officer from any order suppressing evidence, a confession or an admission, in proceedings under subdivision (3) of subsection 1 of section 211.031; or

(2) Parent, guardian ad litem, or juvenile officer from any order changing or modifying the placement of a child.

3. The appeal provided for in subsection 2 of this section shall be an interlocutory appeal, filed in the appropriate district of the Missouri court of appeals. Notice of such interlocutory appeal shall be filed within three days of the entry of the order of trial court; the time limits applicable to such appeal shall be the same as in interlocutory appeals allowed to the state in criminal cases.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Bernskoetter moved that **HB 476**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

HB 476, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security benefits, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Bernskoetter.

Senator Bernskoetter offered **SS** for **HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1083, 1085, 1050, 1035, 1036, 873 AND 1097

An Act to repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof two new sections relating to unemployment benefits, with an emergency clause for a certain section.

Senator Bernskoetter moved that **SS** for **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097** be adopted.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1083, 1085, 1050, 1035, 1036, 873 and 1097, Pages 1-4, Section 288.060, by striking all of said section from the bill; and

Further amend said bill, section 288.060, pages 4-9, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Bean assumed the Chair.

Senator Bernskoetter requested a roll call vote be taken and was joined in his request by Senators Brattin, Eigel, Hoskins, and Moon.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Bernskoetter, **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 2**. Representatives: Smith (163), Deaton, Black (7), Burnett, Windham.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 3**. Representatives: Smith (163), Deaton, Black (7), Burnett, Windham.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 4**. Representatives: Smith (163), Deaton, Walsh (50), Merideth, Aldridge.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Smith (163), Deaton, Hudson, Nurrenbern, Bland Manlove.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**. Representatives: Smith (163), Deaton, Cupps, Bosley, Merideth.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**. Representatives: Smith (163), Deaton, Cupps, Bosley, Merideth.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**. Representatives: Smith (163), Deaton, Walsh (50), Merideth, Aldridge.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Smith (163), Deaton, Walsh (50), Merideth, Aldridge.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 10**. Representatives: Smith (163), Deaton, Richey, Unsicker, Fogle.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 11**. Representatives: Smith (163), Deaton, Richey, Unsicker, Fogle.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**. Representatives: Smith (163), Deaton, Hudson, Nurrenbern, Merideth.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 176**, entitled:

An Act to repeal sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188,

307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof seventeen new sections relating to electronic devices, with penalty provisions and delayed effective date.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 176, Page 1, In the Title, Line 4, by deleting the words “electronic devices” and inserting in lieu thereof the words “emerging technologies”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 176, Page 16, Section 301.010, Line 332, by inserting after all of said section and line the following:

“301.558. 1. A motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer if the motor vehicle dealer, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, boat dealer, or powersport dealer.

3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to one percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037.

(2) There is hereby created in the state treasury the “Motor Vehicle Administration Technology Fund”, which shall consist of money collected as specified in this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the purpose of development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver’s licenses and identification cards, and perfection and release of liens and encumbrances on vehicles.

(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(4) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or used motor

vehicles, vessels, or vessel trailers and imposes an administrative fee of [less than two] **five** hundred dollars **or less** in connection with the sale or lease of a new or used vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law. **The maximum administrative fee permitted under this subsection shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for All Urban Consumers or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency, or by zero, whichever is greater. The director of the department of revenue shall annually furnish the maximum administrative fee determined under this section to the secretary of state, who shall publish such value in the Missouri register as soon as practicable after January fourteenth of each year.**

[4.] **5.** If an administrative fee is charged under this section, the **same** administrative fee shall be charged to all retail customers [and] **unless the fee is limited by the dealer's franchise agreement to certain classes of customers. The fee shall be** disclosed on the retail buyer's order form as a separate itemized charge.

[5.] **6.** A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

"AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW."

[6.] **7.** The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as provided under section 484.020."; and

Further amend said bill, Page 28, Section 365.020, Line 60, by inserting after all of said section and line the following:

"407.005. As used in this chapter, unless the context clearly requires otherwise, the term "digital electronic equipment" shall mean any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product; provided however, that such term shall not include any motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1, HA 2, HA 3, HA 4, HA 5, HA 6** to **SB 37**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1202**, entitled:

An Act to repeal sections 143.022, 143.071, and 620.2005, RSMo, and section 620.2005 as enacted by senate bill no. 2, one hundred first general assembly, first regular session, and to enact in lieu thereof six new sections relating to incentives for new businesses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 682**, entitled:

An Act to repeal sections 37.710 and 210.152, RSMo, and to enact in lieu thereof twelve new sections relating to restrictions on government authority, with emergency clauses for certain sections.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 445**, entitled:

An Act to repeal sections 230.205 and 233.095, RSMo, and to enact in lieu thereof two new sections relating to the oversight of certain roadways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 395**, entitled:

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to historic cemeteries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 447**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state monument.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 814**, entitled:

An Act to repeal sections 37.850, 67.2800, 67.2810, 67.2815, 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 365.100, 365.140, 367.150, 369.049, 400.3-309, 408.035, 408.100, 408.140, 408.178, 408.233, 408.234, 408.250, 408.553, and 408.554, RSMo, and to enact in lieu thereof forty-eight new sections relating to financial institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rowden, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bean.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 317**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Crawford moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HCS** for **HB 271**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 362**, with **SCS**, entitled:

An Act to repeal sections 610.021 and 610.023, RSMo, and to enact in lieu thereof two new sections

relating to the sunshine law.

Was called from the Informal Calendar and taken up by Senator Wieland.

SCS for HCS for **HB 362**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 362

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

Was taken up.

Senator Wieland moved that SCS for HCS for **HB 362** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 1, In the Title, Lines 2-3, by striking “the sunshine law” and inserting in lieu thereof the following: “government transparency”; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

“29.420. 1. This section shall be known as the “Government Lending Transparency Act”.

2. As used in this section, the following terms mean:

(1) “Administering agency”, a department, office, board, commission, bureau, institution, or any other agency of the state charged by statute, regulation, or order with administering a credit support program or lending program;

(2) “Credit support program”, any state program that guarantees or provides credit enhancements, such as state support for interest or principal payments, to the debt of private parties or municipalities, under which the state would be required to provide moneys if the borrower failed to pay;

(3) “Lending program”, any state program that offers moneys to private parties or municipalities that come with the expectation of repayment.

3. Each administering agency shall report annually to the state auditor by August thirtieth the following information:

(1) The name and statutory authority for each lending program and credit support program administered by the agency;

(2) For the immediately preceding fiscal year, the total dollar amount of all lending for each lending program administered by the agency and the total amount of debt supported by each credit support program administered by the agency; and

(3) For the immediately preceding fiscal year, the reasonable estimates of the costs of likely

defaults for each lending program and credit support program administered by the agency, using private sector accounting standards to evaluate the likelihood and costs of defaults.

4. The state auditor shall make an annual report compiling the data received from the administering agencies under this section, and shall submit the report to the general assembly annually by December fifteenth.

5. Intentional or knowing failure to comply with any reporting requirement contained in this section shall be punishable by a fine of up to two thousand dollars.”; and

Further amend said bill, page 7, section 610.021, line 201 by inserting after all of said line the following:

“610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records, except those records restricted under section 32.091, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

2. Payment of such copying fees may be requested prior to the making of copies. A request for public records to a public governmental body shall be considered withdrawn if the requester fails to remit all fees within thirty days of a request for payment of the fees by the public governmental body, prior to the making of copies.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body’s

accounts.

5. The term “tax, license or fees” as used in Section 22 of Article X of the Constitution of the State of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Brattin offered **SA 1 to SA 1:**

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 4, Section 610.026, Line 94, by inserting at the end of said line the following: **“If the same or a substantially similar request for public records is made within six months after the expiration of the thirty day period, then the public governmental body may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request.”.**

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Roberts offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 1, In the Title, Line 3, by striking “sunshine law” and inserting in lieu thereof the following: “public access to records”; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

“37.717. 1. The office shall create a safety reporting system in which employees of the children’s division may report information regarding the safety of those served by the children’s division and the safety of such division’s employees.

2. The identity of any individual who reports to or participates in the reporting system under subsection 1 of this section shall:

(1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the department of social services’ confidential records;

(2) Not be subject to discovery or introduction into evidence in any civil proceeding; and

(3) Be disclosed only as necessary to carry out the purpose of the reporting system under subsection 1 of this section.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be

disclosed by the office of child advocate to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

210.152. 1. All information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division or removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, the report and all information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for ten years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(d) For investigation reports where the identification of the specific perpetrator or perpetrators cannot be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all information but shall not place an unknown perpetrator on the central registry. The division shall retain all information. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all information as otherwise provided in this section;

(3) For reports where the division uses the family assessment and services approach, information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, information shall be retained for eighteen years from the date of the report and then shall be removed from the records by the division.

2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality, after receipt of a

report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section;

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists; or

(3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect. The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases.

3. The children's division may reopen a case for review if new, specific, and credible evidence is obtained.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges. **Nothing in this section shall preclude the office of child advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in section 660.520.**

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

479.162. Notwithstanding any provision of law, supreme court rule, or court operating rule, in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of fifteen days or more in jail or confinement, a defendant shall not be charged any fee for obtaining a police report, a probable cause statement, or any video relevant to the traffic stop or arrest. Such police report, probable cause statement, or video shall be provided by the prosecutor upon written request by the defendant for discovery.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Wieland moved that **SCS for HCS for HB 362**, as amended, be adopted, which motion prevailed.

On motion of Senator Wieland, **SCS for HCS for HB 362**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Brown—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Gannon moved that **SS for SCS for SB 71**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS for SCS for SB 71, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 71

An Act to repeal sections 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof nine new sections relating to civil proceedings.

Was taken up.

Senator Gannon moved that **HCS** for **SS** for **SCS** for **SB 71**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland	Williams—31				

NAYS—Senators

Brattin	Moon	Schupp—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gannon, **HCS** for **SS** for **SCS** for **SB 71**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators

Brattin	Moon—2
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gannon, title to the bill was agreed to.

Senator Gannon moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Hough moved that **SS** for **SB 176**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 176**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 176

An Act to repeal sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof seventeen new sections relating to electronic devices, with penalty provisions and delayed effective date.

Was taken up.

Senator Eslinger assumed the Chair.

Senator Bean assumed the Chair.

Senator Hough moved that **HCS** for **SS** for **SB 176**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Burlison	Eigel	Koenig	Moon	Onder—6
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Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hough, **HCS** for **SS** for **SB 176**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Burlison	Eigel	Koenig	Moon	Onder—6
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Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Brown moved that **SCS** for **SB 49**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 49**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 49

An Act to repeal sections 306.030 and 306.221, RSMo, and to enact in lieu thereof two new sections relating to watercraft, with a penalty provision.

Was taken up.

Senator Brown moved that **HCS** for **SCS** for **SB 49**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown, **HCS** for **SCS** for **SB 49**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp

Washington White Wieland Williams—32

NAYS—Senator Moon—1

Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for HB 18, with **SCS**, entitled:

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 18, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 18

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 18** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 18** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 19, with SCS, entitled:

An Act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 19, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

An Act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 19** be adopted.

Senator Hegeman offered **SS** for **SCS** for **HCS** for **HB 19**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

An Act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 19** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **HCS** for **HB 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Wieland

Williams—29

NAYS—Senators

Brattin	Burlison	Eigel	Moon	Onder—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for **HB 13**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 13, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 13** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Schatz referred **SS for SB 317** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Burlison offered Senate Resolution No. 366, regarding Gail Ellis, Cape Fair, which was adopted.

Senator Burlison offered Senate Resolution No. 367, regarding Justin Ward Holmes, Highlandville, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY–TUESDAY, MAY 4, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 242	HCS for HB 508
HB 353-Henderson	HCS for HB 1202
HCS for HB 839	HCS for HB 682
HB 381-McGaugh	HB 445-McGill
HB 338-Mayhew	HB 395-Reedy
HCS for HB 443	HB 447-Wright
HB 1061-Eggleston	HCS for HB 814

THIRD READING OF SENATE BILLS

SS for SB 317-May
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 349 (Koenig)
(In Fiscal Oversight) | 8. HCS for HJR 35 (Schatz) |
| 2. HCS for HJRs 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight) | 9. HB 542-Shields (Burlison) |
| 3. HCS for HB 59, with SCS (Luetkemeyer) | 10. HB 948-Francis, with SCS (Hoskins) |
| 4. HCS for HB 529, with SCS (Hoskins) | 11. HB 249-Ruth (Wieland) |
| 5. HCS for HB 384, with SCS (Wieland)
(In Fiscal Oversight) | 12. HCS for HB 685, with SCS (Brown) |
| 6. HCS for HB 697, with SCS (Crawford) | 13. HCS for HBs 85 & 310, with SCS
(Burlison) (In Fiscal Oversight) |
| 7. HB 604-Gregory (51), with SCS
(Crawford) | 14. HB 670-Houx (Moon) |
| | 15. HB 488-Hicks, with SCS (Burlison) |
| | 16. HCS#2 for HB 69, with SCS (Bean) |
| | 17. HCS for HBs 557 & 560 (White) |

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|--|--|
| 18. HB 578-Bromley, with SCS (Brown) | 27. HB 701-Black (Onder) |
| 19. HB 687-Riley (Hough) | 28. HB 139-Hudson (Burlison) |
| 20. HB 661-Ruth (Brown) | 29. HB 299-Wallingford, with SCS (Eigel) |
| 21. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) | 30. HS for HB 432, with SCS (White)
(In Fiscal Oversight) |
| 22. HS for HB 297 (Rehder) | 31. HCS for HB 137, with SCS
(Luetkemeyer) |
| 23. HB 624-Richey (Arthur) | 32. HCS for HB 228, with SCS (O’Laughlin) |
| 24. HCS for HB 17 (Hegeman) | 33. HCS for HB 369 (Bernskoetter) |
| 25. HCS for HB 734, with SCS (Cierpiot)
(In Fiscal Oversight) | 34. HCS for HJR 23 & 38 (Eslinger)
(In Fiscal Oversight) |
| 26. HCS for HB 66 (Koenig) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 1-Hegeman, with SS#2 & SA 1 (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SB 3-Hegeman | SB 131-Luetkemeyer |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 132-O’Laughlin, with SCS |
| SB 10-Schatz, with SS (pending) | SB 134-O’Laughlin and Cierpiot |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 137-Brattin |
| SB 24-Eigel, with SS#2 (pending) | SB 138-Brattin, with SCS |
| SB 30-Cierpiot | SB 139-Bean |
| SB 39-Burlison, with SS (pending) | SB 149-Onder |
| SB 47-Hough | SB 163-Cierpiot |
| SB 54-O’Laughlin, with SCS | SB 168-Burlison |
| SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending) | SB 169-Burlison |
| SB 62-Williams, with SCS | SB 174-Hough, with SCS |
| SB 65-Rehder, with SCS | SB 179-Luetkemeyer |
| SB 74-Bean, with SCS | SB 182-O’Laughlin |
| SB 92-Riddle, with SCS | SB 183-O’Laughlin |
| SB 94-Onder with SS, SA1 to SS & SA 1 to
SA 1 (pending) | SB 184-Bean, with SCS |
| SB 95-Onder, with SCS | SB 195-Koenig |
| SB 96-Hoskins, with SCS | SB 198-Eigel, with SCS |
| SB 98-Hoskins, with SCS (pending) | SB 204-Cierpiot, with SCS |
| SB 100-Koenig, with SCS | SB 206-Arthur |
| SB 105-Crawford, with SCS | SB 218-Luetkemeyer, with SCS |
| SB 114-Bernskoetter | SB 227-Arthur |
| | SB 236-Hough, with SCS |
| | SB 244-Onder |

SB 253-Hegeman	SB 390-Luetkemeyer
SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)	SB 399-Eigel
SB 255-Riddle	SB 400-Onder, with SCS
SB 265-Eslinger	SB 404-Riddle
SB 282-Hegeman, with SCS	SB 408-Wieland
SB 287-Crawford	SB 434-Washington
SB 291-Brown	SB 437-Hoskins
SB 295-Crawford, with SCS	SB 459-Brattin, with SCS
SB 301-Bernskoetter, with SCS & SA 1 (pending)	SB 465-Hoskins, with SCS
SB 306-Bernskoetter, with SCS	SB 466-Hoskins, with SCS
SB 313-Eigel	SB 473-Brown
SB 316-Hough	SB 481-Hough, et al
SB 318-May, with SCS	SB 506-Bean
SB 334-Bernskoetter	SB 529-Cierpiot
SB 343-Brown	SB 547-Hoskins, with SCS
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 561-Gannon
SB 360-Wieland, with SCS	SB 562-Schupp
SB 361-Wieland	SB 577-Riddle, with SCS
SB 369-White	SB 582-Eslinger
SB 370-Brown	SB 604-Koenig, with SCS
SB 372-Riddle	SJR 2-Onder, with SCS
SB 375-Eigel	SJR 4-Koenig
SB 383-Moon	SJR 7-Eigel
	SJR 12-Luetkemeyer
	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS#2 for HB 75 (Onder)	HCS for HBs 1083, 1085, 1050, 1035,
HB 333-Simmons (Onder)	1036, 873 & 1097, with SS &
HB 657-Trent, with SCS (Hough)	SA 1 (pending) (Bernskoetter)
HB 850-Wiemann (Eigel)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 404-Aldridge (May)
HB 202-McGill (Gannon)	HB 449-Tate (Gannon)

HB 522-Windham (Williams)
HB 640-Morse (Bean)
HB 1053-Patterson (Onder)

HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 37-Bernskoetter, with HA 1, HA 2,
HA 3, HA 4, HA 5 & HA 6
HCS for HB 2, with SS for SCS (Hegeman)
HCS for HB 3, with SS for SCS (Hegeman)
HCS for HB 4, with SS for SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)
HCS for HB 6, with SCS (Hegeman)
HCS for HB 7, with SCS (Hegeman)

HCS for HB 8, with SCS (Hegeman)
HCS for HB 9, with SCS (Hegeman)
HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 11, with SS for SCS (Hegeman)
HCS for HB 12, with SCS (Hegeman)
HCS for HB 15, with SCS (Hegeman)
HCS for HB 271, with SS#2 for SCS, as
amended (Crawford)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

✓

Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY—TUESDAY, MAY 4, 2021

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Faith comes by hearing and hearing by the Word of God.” (Romans 10:17)

Heavenly Father, we are in the midst of this week and ask that we may make good use of it. Grant that we having heard Your word, we are more open to hear the words of our colleagues and desire to know what is required of us to help them make happen what is most necessary to be done. Grant us Your Grace, O Lord, so we are open always to Your spirit’s prompting and always with courage to move forward what is right and proper to be completed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Kehoe assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2**: Senators Hegeman, Hough, Eigel, Arthur and Washington.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 3**: Senators Hegeman, Hough, Hoskins, Arthur and May.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 4**: Senators Hegeman, Hough, Riddle, Arthur and Razer.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 5**: Senators Hegeman, Hough, Hoskins, Arthur and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 6**: Senators Hegeman, Hough, Crawford, Arthur and Washington.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 7**: Senators Hegeman, Hough, Cierpiot, Arthur and Washington.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 8**: Senators Hegeman, Hough, Luetkemeyer, Arthur and May.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 9**: Senators Hegeman, Hough, Eslinger, Arthur and Washington.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 10**: Senators Hegeman, Hough, Hoskins, Arthur and Washington.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 11**: Senators Hegeman, Hough, Luetkemeyer, Washington and May.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 12**: Senators Hegeman, Hough, Brown, Rizzo and Arthur.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 15**: Senators Hegeman, Hough, Crawford, Arthur and Williams.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 242**—Commerce, Consumer Protection, Energy and the Environment.

HB 353—Small Business and Industry.

HCS for **HB 839**—Transportation, Infrastructure and Public Safety.

HB 381—Local Government and Elections.

HB 338—Local Government and Elections.

HCS for HB 443—Agriculture, Food Production and Outdoor Resources.

HB 1061—Economic Development.

HCS for HB 508—Agriculture, Food Production and Outdoor Resources.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 554**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS for HB 649**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS for HB 350**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS for HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for HB 59, with **SCS**, entitled:

An Act to amend chapters 578 and 590, RSMo, by adding thereto two new sections relating to protection of first responders, with penalty provisions and a delayed effective date to certain sections.

Was taken up by Senator Luetkemeyer.

SCS for HCS for HB 59, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 59

An Act to repeal sections 84.400, 565.240, 590.030, and 590.070, RSMo, and to enact in lieu thereof eleven new sections relating to public safety, with penalty provisions.

Was taken up.

Senator Luetkemeyer moved that **SCS for HCS for HB 59** be adopted.

Senator Luetkemeyer offered **SS** for **SCS** for **HCS** for **HB 59**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 59

An Act to repeal sections 27.010, 50.327, 56.380, 56.455, 57.280, 57.317, 84.400, 105.950, 149.071, 149.076, 191.677, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 313.800, 313.805, 313.812, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 488.029, 544.170, 544.665, 545.940, 549.500, 556.046, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 565.003, 565.240, 566.145, 571.030, 575.095, 575.155, 575.157, 575.205, 575.206, 589.042, 590.030, 590.070, 650.055, and 650.058, RSMo, and to enact in lieu thereof eighty-six new sections relating to public safety, with penalty provisions.

Senator Luetkemeyer moved that **SS** for **SCS** for **HCS** for **HB 59** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 59, Page 43, Section 217.845, Line 9, by inserting after all of said line the following:

“311.660. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; [and]

(10) **To refer to the Missouri gaming commission, Missouri state highway patrol, and local law enforcement agencies any suspected illegal gambling activity punishable under chapter 572 being conducted on the premises of a location licensed under this chapter; and**

(11) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted.

Senator Schatz offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 59, Page 1, Line 1, by inserting after “page” the following: “1, section title, line 16, by inserting after “provisions” the following: “with an emergency clause for certain sections”; and

Further amend said bill, page”; and

Further amend said amendment, page 2, section 311.660, line 49 by inserting after “chapter” the following: “, **which shall be investigated under section 43.380**”; and further amend said amendment, line 52 by striking “”; and” and inserting in lieu thereof the following:

“311.680. 1. Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, the supervisor of liquor control may warn, place on probation on such terms and conditions as the supervisor of liquor control deems appropriate for a period not to exceed twelve months, suspend or revoke the license of that person, but the person shall have ten days’ notice of the application to warn, place on probation, suspend or revoke the person’s license prior to the order of warning, probation, revocation or suspension issuing.

2. Any wholesaler licensed pursuant to this chapter in lieu of, or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty by the supervisor of liquor control of not less than one hundred dollars or more than twenty-five hundred dollars for each violation.

3. Any solicitor licensed pursuant to this chapter in lieu of the suspension or revocation authorized in subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than one hundred dollars nor more than five thousand dollars for each violation.

4. Any retailer with less than five thousand occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than one thousand dollars for each violation.

5. Any retailer with five thousand or more occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than five thousand dollars for each violation.

6. (1) Upon notification by the Missouri gaming commission or a law enforcement agency of possession of a gambling device, as defined pursuant to section 572.010, by a person licensed pursuant to this chapter, the supervisor of liquor control shall suspend or revoke the license of such person on such terms and conditions as the supervisor of liquor control deems appropriate, provided such person shall be given ten days to remove such gambling device from the premises prior to the supervisor of liquor control taking action pursuant to this subsection. Upon a second or subsequent notification pursuant to this subsection of the possession of a gambling device by a person licensed pursuant to this chapter, the supervisor of liquor control shall not be required to give such person ten days to remove such gambling device from the premises prior to taking action pursuant to this subsection.

(2) The supervisor of liquor control shall, by no later than August 15, 2021, provide written or electronic notice to all persons licensed pursuant to this chapter informing such persons of the provisions of this subsection and section 311.720.

7. Any aggrieved person may appeal to the administrative hearing commission in accordance with section 311.691.

[7.] **8.** In order to encourage the early resolution of disputes between the supervisor of liquor control and licensees, the supervisor of liquor control, prior to issuing an order of warning, probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of liquor control, or his or her designee, concerning the alleged violations. At least ten days prior to such meeting or conference, the supervisor shall provide the licensee with notice of the time and place of such meeting or conference, and the supervisor of liquor control shall also provide the licensee with a written description of the specific conduct for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies of any violation report or any other documents which are the basis for such action. Any order of warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from the date of such order.

311.710. 1. In addition to the penalties and proceedings for suspension or revocation of licenses provided for in this chapter, and without limiting them, proceedings for the suspension or revocation of any license authorizing the sale of intoxicating liquor at retail may be brought in the circuit court of any county in this state, or in the city of St. Louis, in which the licensed premises are located and such proceedings may be brought by the sheriff or any peace officer of that county or by any eight or more persons who are taxpaying citizens of the county or city for any of the following offenses:

(1) Selling, giving or otherwise supplying intoxicating liquor to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor;

(2) Knowingly permitting any prostitute, degenerate, or dissolute person to frequent the licensed premises;

(3) Permitting on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral or improper entertainment, conduct or practices;

(4) Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under his license;

(5) Selling, giving, or otherwise supplying intoxicating liquor to any person under the age of twenty-one years;

(6) Selling, giving or otherwise supplying intoxicating liquors between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night;

(7) Permitting on the licensed premises any form of gambling device punishable under chapter 572.

2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered United States mail to the supervisor of liquor control a joint complaint, stating the name of the licensee, the name under which the licensee's business is conducted and the address of the licensed premises, setting out in general the character and nature of the offense or offenses charged, together with the names and addresses of the witnesses by whom proof thereof is expected to be made; and provided, that after a period of thirty days after the mailing of such complaint to the supervisor of liquor control the person therein complained of shall not have been cited by the supervisor to appear and show cause why his license should not be suspended or revoked then they shall file with the circuit clerk of the county or city in which the premises are located a copy of the complaint on file with the supervisor of liquor control.

3. If, pursuant to the receipt of such complaint by the supervisor of liquor control, the licensee appears and shows cause why his license should not be suspended or revoked at a hearing held for that purpose by the supervisor and either the complainants or the licensee consider themselves aggrieved with the order of the supervisor then, after a request in writing by either the complainants or the licensee, the supervisor shall certify to the circuit clerk of the county or city in which the licensed premises are located a copy of the original complaint filed with him, together with a copy of the transcript of the evidence adduced at the hearing held by him. Such certification by the supervisor shall not act as a supersedeas of any order made by him.

4. Upon receipt of such complaint, whether from the complainant directly or from the supervisor of liquor control, the court shall set a date for an early hearing thereon and it shall be the duty of the circuit clerk to cause to be delivered by registered United States mail to the prosecuting attorney of the county or to the circuit attorney of the city of St. Louis and to the licensee copies of the complaint and he shall, at the same time, give notice of the time and place of the hearing. Such notice shall be delivered to the prosecuting attorney or to the circuit attorney and to the licensee at least fifteen days prior to the date of the hearing.

5. The complaint shall be heard by the court without a jury and if there has been a prior hearing thereon by the supervisor of liquor control then the case shall be heard de novo and both the complainants and the licensee may produce new and additional evidence material to the issues.

6. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been

established by the evidence, the court shall order the suspension or revocation of the license but, in so doing, shall take into consideration whatever order, if any, may have been made in the premises by the supervisor of liquor control. If the court finds that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper.

7. The judgment of the court in no event shall be superseded or stayed during pendency of any appeal therefrom.

8. It shall be the duty of the prosecuting attorney or circuit attorney to prosecute diligently and without delay any such complaints coming to him by virtue of this section.

9. The jurisdiction herein conferred upon the circuit courts to hear and determine complaints for the suspension or revocation of licenses in the manner provided in this section shall not be exclusive and any authority conferred upon the supervisor of liquor control to revoke or suspend licenses shall remain in full force and effect, and the suspension or revocation of a license as provided in this section shall be in addition to and not in lieu of any other revocation or suspension provided by this chapter.

10. Costs accruing because of such hearings in the circuit court shall be taxed in the same manner as criminal costs.

311.720. Conviction in any court of any violation of this chapter, or any felony violation of chapter 195 **or chapter 572**, in the course of business, shall have the effect of automatically revoking the license of the person convicted, and such revocation shall continue operative until said case is finally disposed of, and if the defendant is finally acquitted, he may apply for and receive a license hereunder, upon paying the regular license charge therefor, in the same manner as though he had never had a license hereunder; provided, however, that the provisions of this section shall not apply to violations of section 311.070, and violations of said section shall be punished only as therein provided.

313.004. 1. There is hereby created the “Missouri Gaming Commission” consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which

at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission's duties. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.010, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and

thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general, **the Missouri state highway patrol**, or any state, federal or local agency the commission deems necessary to carry out the duties of the commission, **including investigations relating to and the enforcement of the provisions of chapter 572 relating to illegal gambling**. No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, **or for the purpose of investigating illegal gambling pursuant to chapter 572 utilizing existing Missouri state highway patrol personnel assigned to enforce the regulations of licensed gaming activities governed by chapter 313**, the commission shall require excursion gambling boat licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class E felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child

shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610 to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state.

13. (1) The commission shall establish a telephone contact number, which shall be prominently displayed on the commission's website, to receive reports of suspected illegal gambling activities. Upon the receipt of such report, the commission shall refer such reports to the Missouri state highway patrol for investigation pursuant to this section. The commission shall notify the subject of such investigation within thirty days of receiving a report under this subsection.

(2) The superintendent of the highway patrol shall initiate investigations of potential violations punishable under chapter 572, including referrals made by the Missouri gaming commission pursuant to this section.

(3) Upon the request of a prosecuting or circuit attorney, the attorney general shall aid a prosecuting or circuit attorney in prosecuting violations referred by the superintendent of the highway patrol.

(4) Local law enforcement agencies shall notify the supervisor of liquor control, the state lottery commission, and the Missouri gaming commission of all investigations of potential violations punishable under chapter 572.

(5) The provisions of this subsection shall not preclude or hinder the ability of a local law enforcement agency to conduct investigations into potential violations punishable under chapter 572 or any other crime or criminal activity in its jurisdiction.

(6) Any person or establishment licensed under this chapter that is convicted of or pleads guilty to a violation punishable under chapter 572, and any affiliated company of such person or establishment, shall be permanently prohibited from being licensed to participate in any way in a program implementing video lottery gaming terminals should such a program be implemented in this state.

313.255. 1. The director shall issue, suspend, revoke, and renew licenses for lottery game retailers pursuant to rules and regulations adopted by the commission. Such rules shall specify that at least ten percent of all licenses awarded to lottery game retailers in constitutional charter cities not within a county

and constitutional charter cities with a population of at least four hundred fifty thousand not located wholly within a county of the first class with a charter form of government shall be awarded to minority-owned and -controlled business enterprises. Licensing rules and regulations shall include requirements relating to the financial responsibility of the licensee, the accessibility of the licensee's place of business or activity to the public, the sufficiency of existing licenses to serve the public interest, the volume of expected sales, the security and efficient operation of the lottery, and other matters necessary to protect the public interest and trust in the lottery and to further the sales of lottery tickets or shares. Lottery game retailers shall be selected without regard to political affiliation.

2. The commission may sell lottery tickets at its office and at special events.

3. The commission shall require every retailer to post a bond, a bonding fee or a letter of credit in such amount as may be required by the commission, and upon licensure shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the commission.

4. All licenses for lottery game retailers shall specify the place such sales shall take place.

5. A lottery game retailer license shall not be assignable or transferable.

6. A license shall be revoked upon a finding that the licensee:

(1) Has knowingly provided false or misleading information to the commission or its employees;

(2) Has been convicted of any felony; or

(3) Has endangered the security of the lottery.

7. A license may be suspended, revoked, or not renewed for any of the following causes:

(1) A change of business location;

(2) An insufficient sales volume;

(3) A delinquency in remitting money owed to the lottery; [or]

(4) Any violation of any rule or regulation adopted pursuant to this section by the commission; **or**

(5) Possession of a gambling device as defined pursuant to section 572.010.”; and

Further amend said bill, page 117, Section 571.030, line 269, by inserting after all of said line the following:

“572.010. As used in this chapter the following terms mean:

(1) “Advance gambling activity”, a person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his or her knowledge for purposes of gambling activity, he or she permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. The

supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800 to 313.840 does not constitute advancing gambling activity;

(2) “Bookmaking”, advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events;

(3) “Contest of chance”, any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein;

(4) “Gambling”, a person engages in gambling when he or she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he or she will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value. Gambling does not include any licensed activity, or persons participating in such games which are covered by sections 313.800 to 313.840;

(5) “Gambling device”, any device, machine, paraphernalia or equipment that is **not approved by the Missouri gaming commission or state lottery commission under the provisions of chapter 313 and that:**

(a) Contains a random number generator where prize payout percentages are controlled or adjustable;

(b) Is used in any scenario where coins or cash prizes are involved or any scenario where a prize is converted to cash or monetary credit of any kind related to the use of the gambling device; or

(c) Is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine, regardless of whether the machine or device or system or network of devices includes a preview of the outcome or whether the outcome is known, displayed, or capable of being known or displayed to the user;

Any device not described in paragraphs (a) to (c) of this subdivision that a reasonable person would believe is usable or can be made readily usable in gambling or any phases of gambling activity shall be prima facie evidence of a gambling device and may be subject to seizure by any peace officer in this state. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition;

(6) “Gambling record”, any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with unlawful gambling activity;

(7) “Lottery” or “policy”, an unlawful gambling scheme in which for a consideration the participants are given an opportunity to win something of value, the award of which is determined by chance;

(8) “Player”, a person who engages in any form of gambling solely as a contestant or bettor, without

receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in “bookmaking” as defined in subdivision (2) of this section is not a player;

(9) “Professional player”, a player who engages in gambling for a livelihood or who has derived at least twenty percent of his or her income in any one year within the past five years from acting solely as a player;

(10) “Profit from gambling activity”, a person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(11) “Slot machine”, a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, **from the perspective of a player or a reasonable person, it may eject something of value, regardless of whether the machine or device or system or network of devices includes a preview of the outcome or whether the outcome is known, displayed, or capable of being known or displayed to the user.** A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance;

(12) “Something of value”, any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;

(13) “Unlawful”, not specifically authorized by law.

572.015. 1. Nothing in this chapter prohibits constitutionally authorized activities under Article III, Sections 39(a) to 39(f) of the Missouri Constitution.

2. For the purposes of this section and Article III, Section 39(f) of the Missouri Constitution, the following terms shall mean:

(1) **“Net proceeds”, the gross amount paid for tickets for a raffle or sweepstakes minus the payment of prizes and administrative expenses. Administrative expenses relating to the purchase or rental of supplies and equipment utilized in conducting the raffle or sweepstakes shall not be in excess of the reasonable market purchase price or reasonable market rental rate for such supplies and equipment, and in no case shall such administrative expenses be based on a percentage of proceeds;**

(2) **“Raffle” or “sweepstakes”, the award by chance of one or more prizes to one or more persons among a group of persons who have paid or promised something of value in exchange for a ticket that represents one or more equal chances to win a prize, and for which all tickets have been sold prior to the selection of a winner or winners;**

(3) “Sponsor”, the offering of a raffle or sweepstakes by an organization recognized as charitable or religious pursuant to federal law in which the entire net proceeds of such raffle or sweepstakes shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the raffle or sweepstakes.

572.100. The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by this chapter. No governmental subdivision or agency may enact or enforce a law that regulates or makes any conduct in the area covered by this chapter an offense, or the subject of a criminal or civil penalty or sanction of any kind, **except for the revocation, suspension, or denial by the Missouri lottery commission, the Missouri gaming commission, or the division of alcohol and tobacco control of a license issued under chapter 311 or 313.** The term “gambling”, as used in this chapter, does not include licensed activities under sections 313.800 to 313.840.”; and

Further amend said bill, page 138, section 217.660, line 8, by inserting after all of said line the following:

“Section B. Because of the need to eliminate illegal gambling activity in this state, the repeal and reenactment of sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100 of this act shall be in full force and effect upon its passage and approval.”; and”.

Senator Schatz moved that the above amendment be adopted.

Senator Moon raised a point of order that **SA 1 to SA 1** is out of order as it goes beyond the scope of the underlying bill.

President Pro Tem Schatz referred the point of order to the Committee on Parliamentary Procedure.

Senator Bernskoetter assumed the Chair.

On behalf of the Parliamentary Committee, Senator Rizzo ruled that the point of order was not well taken.

President Kehoe assumed the Chair.

Senator Eslinger assumed the Chair.

At the request of Senator Schatz, **SA 1 to SA 1** was withdrawn.

Senator Schatz offered **SA 2 to SA 1**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 59, Page 1, Line 1, by inserting after “page” the following: “1, section title, line 16,

by inserting after “provisions” the following: “with an emergency clause for certain sections”; and

Further amend said bill, page”; and

Further amend said amendment, page 2, section 311.660, line 49 by inserting after “chapter” the following: “, **which shall be investigated pursuant to section 43.380**”; and further amend said amendment, line 52 by striking “”; and” and inserting in lieu thereof the following:

“311.680. 1. Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, the supervisor of liquor control may warn, place on probation on such terms and conditions as the supervisor of liquor control deems appropriate for a period not to exceed twelve months, suspend or revoke the license of that person, but the person shall have ten days’ notice of the application to warn, place on probation, suspend or revoke the person’s license prior to the order of warning, probation, revocation or suspension issuing.

2. Any wholesaler licensed pursuant to this chapter in lieu of, or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty by the supervisor of liquor control of not less than one hundred dollars or more than twenty-five hundred dollars for each violation.

3. Any solicitor licensed pursuant to this chapter in lieu of the suspension or revocation authorized in subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than one hundred dollars nor more than five thousand dollars for each violation.

4. Any retailer with less than five thousand occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than one thousand dollars for each violation.

5. Any retailer with five thousand or more occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than five thousand dollars for each violation.

6. **(1) Upon notification by the Missouri gaming commission or a law enforcement agency of possession of a gambling device, as defined pursuant to section 572.010, by a person licensed pursuant to this chapter, the supervisor of liquor control shall suspend or revoke the license of such person on such terms and conditions as the supervisor of liquor control deems appropriate, provided such person shall be given ten days to remove such gambling device from the premises prior to the supervisor of liquor control taking action pursuant to this subsection. Upon a second or subsequent notification pursuant to this subsection of the possession of a gambling device by a person licensed pursuant to this chapter, the supervisor of liquor control shall not be required to give such person ten days to remove such gambling device from the premises prior to taking action pursuant to this subsection.**

(2) The supervisor of liquor control shall, by no later than August 15, 2021, provide written or electronic notice to all persons licensed pursuant to this chapter informing such persons of the provisions of this subsection and section 311.720.

7. Any aggrieved person may appeal to the administrative hearing commission in accordance with section 311.691.

[7.] **8.** In order to encourage the early resolution of disputes between the supervisor of liquor control and

licensees, the supervisor of liquor control, prior to issuing an order of warning, probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of liquor control, or his or her designee, concerning the alleged violations. At least ten days prior to such meeting or conference, the supervisor shall provide the licensee with notice of the time and place of such meeting or conference, and the supervisor of liquor control shall also provide the licensee with a written description of the specific conduct for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies of any violation report or any other documents which are the basis for such action. Any order of warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from the date of such order.

311.710. 1. In addition to the penalties and proceedings for suspension or revocation of licenses provided for in this chapter, and without limiting them, proceedings for the suspension or revocation of any license authorizing the sale of intoxicating liquor at retail may be brought in the circuit court of any county in this state, or in the city of St. Louis, in which the licensed premises are located and such proceedings may be brought by the sheriff or any peace officer of that county or by any eight or more persons who are taxpaying citizens of the county or city for any of the following offenses:

(1) Selling, giving or otherwise supplying intoxicating liquor to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor;

(2) Knowingly permitting any prostitute, degenerate, or dissolute person to frequent the licensed premises;

(3) Permitting on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral or improper entertainment, conduct or practices;

(4) Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under his license;

(5) Selling, giving, or otherwise supplying intoxicating liquor to any person under the age of twenty-one years;

(6) Selling, giving or otherwise supplying intoxicating liquors between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night;

(7) Permitting on the licensed premises any form of gambling device punishable pursuant to chapter 572.

2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered United States mail to the supervisor of liquor control a joint complaint, stating the name of the licensee, the name under which the licensee's business is conducted and the address of the licensed premises, setting out in general the character and nature of the offense or offenses charged, together with the names and addresses of the witnesses by whom proof thereof is expected to be made; and provided, that after a period of thirty days after the mailing of such complaint to the supervisor of liquor control the person therein complained of shall not have been cited by the supervisor to appear and show cause why his license should not be suspended or revoked then they shall file with the circuit clerk of the county or city in which the premises are located a copy of the complaint on file with the supervisor of liquor control.

3. If, pursuant to the receipt of such complaint by the supervisor of liquor control, the licensee appears

and shows cause why his license should not be suspended or revoked at a hearing held for that purpose by the supervisor and either the complainants or the licensee consider themselves aggrieved with the order of the supervisor then, after a request in writing by either the complainants or the licensee, the supervisor shall certify to the circuit clerk of the county or city in which the licensed premises are located a copy of the original complaint filed with him, together with a copy of the transcript of the evidence adduced at the hearing held by him. Such certification by the supervisor shall not act as a supersedeas of any order made by him.

4. Upon receipt of such complaint, whether from the complainant directly or from the supervisor of liquor control, the court shall set a date for an early hearing thereon and it shall be the duty of the circuit clerk to cause to be delivered by registered United States mail to the prosecuting attorney of the county or to the circuit attorney of the city of St. Louis and to the licensee copies of the complaint and he shall, at the same time, give notice of the time and place of the hearing. Such notice shall be delivered to the prosecuting attorney or to the circuit attorney and to the licensee at least fifteen days prior to the date of the hearing.

5. The complaint shall be heard by the court without a jury and if there has been a prior hearing thereon by the supervisor of liquor control then the case shall be heard de novo and both the complainants and the licensee may produce new and additional evidence material to the issues.

6. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the suspension or revocation of the license but, in so doing, shall take into consideration whatever order, if any, may have been made in the premises by the supervisor of liquor control. If the court finds that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper.

7. The judgment of the court in no event shall be superseded or stayed during pendency of any appeal therefrom.

8. It shall be the duty of the prosecuting attorney or circuit attorney to prosecute diligently and without delay any such complaints coming to him by virtue of this section.

9. The jurisdiction herein conferred upon the circuit courts to hear and determine complaints for the suspension or revocation of licenses in the manner provided in this section shall not be exclusive and any authority conferred upon the supervisor of liquor control to revoke or suspend licenses shall remain in full force and effect, and the suspension or revocation of a license as provided in this section shall be in addition to and not in lieu of any other revocation or suspension provided by this chapter.

10. Costs accruing because of such hearings in the circuit court shall be taxed in the same manner as criminal costs.

311.720. Conviction in any court of any violation of this chapter, or any felony violation of chapter 195 **or chapter 572**, in the course of business, shall have the effect of automatically revoking the license of the person convicted, and such revocation shall continue operative until said case is finally disposed of, and if the defendant is finally acquitted, he may apply for and receive a license hereunder, upon paying the regular license charge therefor, in the same manner as though he had never had a license hereunder; provided, however, that the provisions of this section shall not apply to violations of section 311.070, and violations of said section shall be punished only as therein provided.

313.004. 1. There is hereby created the “Missouri Gaming Commission” consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming

commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission's duties. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or

employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.010, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general, **the Missouri state highway patrol**, or any state, federal or local agency the commission deems necessary to carry out the duties of the commission, **including investigations relating to and the enforcement of the provisions of chapter 572 relating to illegal gambling**. No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, **or for the purpose of investigating illegal gambling pursuant to chapter 572 utilizing existing Missouri state highway patrol personnel assigned to enforce the regulations of licensed gaming activities governed by chapter 313**, the commission shall require excursion gambling boat licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or

subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class E felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610 to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state.

13. (1) The commission shall establish a telephone contact number, which shall be prominently displayed on the commission's website, to receive reports of suspected illegal gambling activities. Upon the receipt of such report, the commission shall refer such reports to the Missouri state highway patrol for investigation pursuant to this section. The commission shall notify the subject of such investigation within thirty days of receiving a report under this subsection.

(2) The superintendent of the highway patrol shall initiate investigations of potential violations punishable pursuant to chapter 572, including referrals made by the Missouri gaming commission pursuant to this section.

(3) Upon the request of a prosecuting or circuit attorney, the attorney general shall aid a prosecuting or circuit attorney in prosecuting violations referred by the superintendent of the highway patrol.

(4) Local law enforcement agencies shall notify the supervisor of liquor control, the state lottery commission, and the Missouri gaming commission of all investigations of potential violations punishable pursuant to chapter 572.

(5) The provisions of this subsection shall not preclude or hinder the ability of a local law enforcement agency to conduct investigations into potential violations punishable pursuant to chapter 572 or any other crime or criminal activity in its jurisdiction.

(6) Any person or establishment licensed under this chapter that is convicted of or pleads guilty to a violation punishable pursuant to chapter 572, and any affiliated company of such person or establishment, shall be permanently prohibited from being licensed to participate in any way in a program implementing video lottery gaming terminals should such a program be implemented in this state.

313.255. 1. The director shall issue, suspend, revoke, and renew licenses for lottery game retailers pursuant to rules and regulations adopted by the commission. Such rules shall specify that at least ten percent of all licenses awarded to lottery game retailers in constitutional charter cities not within a county and constitutional charter cities with a population of at least four hundred fifty thousand not located wholly within a county of the first class with a charter form of government shall be awarded to minority-owned and -controlled business enterprises. Licensing rules and regulations shall include requirements relating to the financial responsibility of the licensee, the accessibility of the licensee's place of business or activity to the public, the sufficiency of existing licenses to serve the public interest, the volume of expected sales, the security and efficient operation of the lottery, and other matters necessary to protect the public interest and trust in the lottery and to further the sales of lottery tickets or shares. Lottery game retailers shall be selected without regard to political affiliation.

2. The commission may sell lottery tickets at its office and at special events.

3. The commission shall require every retailer to post a bond, a bonding fee or a letter of credit in such amount as may be required by the commission, and upon licensure shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the commission.

4. All licenses for lottery game retailers shall specify the place such sales shall take place.

5. A lottery game retailer license shall not be assignable or transferable.

6. A license shall be revoked upon a finding that the licensee:

- (1) Has knowingly provided false or misleading information to the commission or its employees;
- (2) Has been convicted of any felony; or
- (3) Has endangered the security of the lottery.

7. A license may be suspended, revoked, or not renewed for any of the following causes:

- (1) A change of business location;
- (2) An insufficient sales volume;
- (3) A delinquency in remitting money owed to the lottery; [or]
- (4) Any violation of any rule or regulation adopted pursuant to this section by the commission; **or**

(5) Possession of a gambling device as defined pursuant to section 572.010.”; and

Further amend said bill, page 117, Section 571.030, line 269, by inserting after all of said line the following:

“572.010. As used in this chapter the following terms mean:

(1) “Advance gambling activity”, a person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his or her knowledge for purposes of gambling activity, he or she permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. The supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800 to 313.840 does not constitute advancing gambling activity;

(2) “Bookmaking”, advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events;

(3) “Contest of chance”, any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein;

(4) “Gambling”, a person engages in gambling when he or she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he or she will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value. Gambling does not include any licensed activity, or persons participating in such games which are covered by sections 313.800 to 313.840;

(5) “Gambling device”, any device, machine, paraphernalia or equipment that is **not approved by the Missouri gaming commission or state lottery commission under the provisions of chapter 313 and that:**

(a) Contains a random number generator where prize payout percentages are controlled or adjustable;

(b) Is used in any scenario where coins or cash prizes are involved or any scenario where a prize is converted to cash or monetary credit of any kind related to the use of the gambling device; or

(c) Is used or usable in the playing phases of any gambling activity, whether that activity consists of

gambling between persons or gambling by a person with a machine, **regardless of whether the machine or device or system or network of devices includes a preview of the outcome or whether the outcome is known, displayed, or capable of being known or displayed to the user;**

Any device not described in paragraphs (a) to (c) of this subdivision that a reasonable person would believe is usable or can be made readily usable in gambling or any phases of gambling activity shall be prima facie evidence of a gambling device and may be subject to seizure by any peace officer in this state. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition;

(6) “Gambling record”, any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with unlawful gambling activity;

(7) “Lottery” or “policy”, an unlawful gambling scheme in which for a consideration the participants are given an opportunity to win something of value, the award of which is determined by chance;

(8) “Player”, a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in “bookmaking” as defined in subdivision (2) of this section is not a player;

(9) “Professional player”, a player who engages in gambling for a livelihood or who has derived at least twenty percent of his or her income in any one year within the past five years from acting solely as a player;

(10) “Profit from gambling activity”, a person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(11) “Slot machine”, a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, **from the perspective of a player or a reasonable person,** it may eject something of value, **regardless of whether the machine or device or system or network of devices includes a preview of the outcome or whether the outcome is known, displayed, or capable of being known or displayed to the user.** A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance;

(12) “Something of value”, any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;

(13) “Unlawful”, not specifically authorized by law.

572.015. **1.** Nothing in this chapter prohibits constitutionally authorized activities under Article III, Sections 39(a) to 39(f) of the Missouri Constitution.

2. For the purposes of this section and Article III, Section 39(f) of the Missouri Constitution, the following terms shall mean:

(1) “Net proceeds”, the gross amount paid for tickets for a raffle or sweepstakes minus the payment of prizes and administrative expenses. Administrative expenses relating to the purchase or rental of supplies and equipment utilized in conducting the raffle or sweepstakes shall not be in excess of the reasonable market purchase price or reasonable market rental rate for such supplies and equipment, and in no case shall such administrative expenses be based on a percentage of proceeds;

(2) “Raffle” or “sweepstakes”, the award by chance of one or more prizes to one or more persons among a group of persons who have paid or promised something of value in exchange for a ticket that represents one or more equal chances to win a prize, and for which all tickets have been sold prior to the selection of a winner or winners;

(3) “Sponsor”, the offering of a raffle or sweepstakes by an organization recognized as charitable or religious pursuant to federal law in which the entire net proceeds of such raffle or sweepstakes shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the raffle or sweepstakes.

572.100. The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by this chapter. No governmental subdivision or agency may enact or enforce a law that regulates or makes any conduct in the area covered by this chapter an offense, or the subject of a criminal or civil penalty or sanction of any kind, **except for the revocation, suspension, or denial by the Missouri lottery commission, the Missouri gaming commission, or the division of alcohol and tobacco control of a license issued under chapter 311 or 313.** The term “gambling”, as used in this chapter, does not include licensed activities under sections 313.800 to 313.840.”; and

Further amend said bill, page 138, section 217.660, line 8, by inserting after all of said line the following:

“Section B. Because of the need to eliminate illegal gambling activity in this state, the repeal and reenactment of sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100 of this act shall be in full force and effect upon its passage and approval.”; and”.

Senator Schatz moved that the above amendment be adopted.

At the request of Senator Luetkemeyer, **HCS for HB 59**, with **SCS, SS for SCS, SA 1 and SA 2 to SA1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS for HCS for HB 15**. Representatives: Smith (163),

Deaton, Richey, Merideth, Unsicker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS#2** for **SCS** for **HB 273**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1358**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to contagious diseases, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rowden, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bean.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 6**, entitled:

An Act to repeal sections 303.220, 304.153, 319.131, 375.018, 375.246, 376.421, 379.120, 382.010, 382.110, 382.230, 384.043, 385.220, and 385.320, RSMo, and to enact in lieu thereof twenty-seven new sections relating to insurance.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1008**, entitled:

An Act to repeal sections 415.415, 431.202, and 456.4-419, RSMo, and to enact in lieu thereof five new sections relating to financial transactions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 764**, entitled:

An Act to repeal sections 415.415, 493.050, and 493.070, RSMo, and to enact in lieu thereof three new sections relating to newspapers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended, for **HCS** for **HB 574** and has taken up and passed **SS** for **HCS** for **HB 574**, as amended.

PRIVILEGED MOTIONS

Senator Wieland moved that **SS** for **SB 6**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 6** was taken up.

Senator Wieland moved that **HCS** for **SS** for **SB 6** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Hegeman	Hoskins	Koenig
May	Moon	Mosley	O'Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Gannon	Hough	Luetkemeyer—3
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Absent with leave—Senators—None

Vacancies—None

Pursuant to Senate Rule 91, Senator Luetkemeyer excused himself from voting on the 3rd reading of **HCS** for **SS** for **SB 6**.

On motion of Senator Wieland, **HCS** for **SS** for **SB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Hegeman	Hoskins	Koenig
May	Moon	Mosley	O'Laughlin	Onder	Razer	Rehder

Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Gannon Hough—2

Absent with leave—Senators—None

Excused from voting—Senator Luetkemeyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that the motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Kehoe assumed the Chair.

Senator Crawford moved that the conferees on **SS No. 2** for **SCS** for **HCS** for **HB 271**, be allowed to exceed the differences on Section 394.020, which motion prevailed.

Senator Riddle moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HB 273**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences on Section 436.263, which motion prevailed.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 402** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

At the request of Senator Hoskins, **HCS** for **HB 529**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 697**, with **SCS**, entitled:

An Act to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof eight new sections relating to property assessment contracts for energy efficiency, with penalty provisions.

Was taken up by Senator Crawford.

SCS for **HCS** for **HB 697**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 697

An Act to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof eight new

sections relating to property assessment contracts for energy efficiency.

Was taken up.

Senator Crawford moved that **SCS** for **HCS** for **HB 697** be adopted.

Senator Crawford offered **SS** for **SCS** for **HCS** for **HB 697**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 697

An Act to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof eight new sections relating to property assessment contracts for energy efficiency.

Senator Crawford moved that **SS** for **SCS** for **HCS** for **HB 697** be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator May offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 697, Pages 9-10, Section 67.2815, Lines 104-126, by striking all of said lines; and

Further amend said bill, Section 67.2817, page 13, line 63 by striking all of said line and inserting in lieu thereof the following: “**of the true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount, of the benefitted property prior to the**”; and further amend line 70 by inserting immediately after “upon” the following: “**, if such product exists**”; and

Further amend said bill and section, pages 15-16, lines 129-142, by striking all of said lines; and

Further amend said bill, Section 67.2818, page 16, lines 13-16 by striking all of said lines and inserting in lieu thereof the following: “**true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount.**”; and further amend lines 22-25 by striking all of said lines and inserting in lieu thereof the following: “**true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount.**”.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Crawford moved that **SS** for **SCS** for **HCS** for **HB 697**, as amended, be adopted, which motion prevailed.

On motion of Senator Crawford, **SS** for **SCS** for **HCS** for **HB 697**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senators

Eigel Washington—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

At the request of Senator Crawford, **HB 604**, with **SCS**, was placed on the Informal Calendar.**HCS for HJR 35**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing Section 15 of Article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state treasurer’s ability to invest.

Was taken up by Senator Schatz.

On motion of Senator Schatz, **HCS for HJR 35** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Eigel Washington—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schatz, title to the joint resolution was agreed to.

Senator Schatz moved that the vote by which the joint resolution passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

At the request of Senator Burlison, **HB 542**, was placed on the Informal Calendar.

At the request of Senator Hoskins, **HB 948**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wieland, **HB 249**, was placed on the Informal Calendar.

HCS for **HB 685**, with **SCS**, entitled:

An Act to repeal sections 27.010, 51.050, 55.060, 58.030, 60.010, 77.230, 79.080, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, RSMo, and to enact in lieu thereof fifteen new sections relating to certain public offices.

Was taken up by Senator Brown.

SCS for **HCS** for **HB 685**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 685

An Act to repeal sections 27.010, 50.166, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 77.230, 79.080, 105.465, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, 451.040, and 483.010, RSMo, and to enact in lieu thereof twenty new sections relating to certain public officers, with an existing penalty provision.

Was taken up.

Senator Brown moved that **SCS** for **HCS** for **HB 685** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 685, Page 3, Section 50.166, Line 29, by inserting after all of said line the following:

“50.530. As used in sections 50.530 to 50.745:

(1) “Accounting officer” means county auditor in counties of the first and second classifications and the county clerks in counties of the third and fourth classifications;

(2) “Budget officer” means such person, as may, from time to time, be appointed by the county commission of counties of the first classification except in counties of the first classification with a population of less than one hundred thousand inhabitants according to the official United States Census of 1970 the county auditor shall be the chief budget officer, the presiding commissioner of the county commission in counties of the second classification, unless the county commission designates the county clerk as budget officer, and the county clerk in counties of the third and fourth classification. [Notwithstanding the provisions of this subdivision to the contrary, in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, the

presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.]”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

Senator Brown moved that **SCS for HCS for HB 685**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 685**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Beck	Bernskoetter	Brattin	Brown	Burlison	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schupp	Washington	White
Wieland	Williams—30					

NAYS—Senator Moon—1

Absent—Senators

Bean	Cierpiot	Schatz—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 529, with **SCS**, entitled:

An Act to repeal section 41.152, RSMo, and to enact in lieu thereof two new sections relating to biodiesel fuel, with a penalty provision.

Was taken up by Senator Hoskins.

SCS for HCS for HB 529, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 529

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to biodiesel fuel.

Was taken up.

Senator Hoskins moved that **SCS for HCS for HB 529** be adopted.

Senator Hoskins offered **SS** for **SCS** for **HCS** for **HB 529**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 529

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to a tax credit for the sale of certain fuel.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 529** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 529, Page 1, In the Title, Lines 3-4, by striking “a tax credit for the sale of certain fuel” and inserting in lieu thereof the following: “tax credits”; and

Further amend said bill and page, Section A, line 3, by inserting after all of said line the following:

“33.282. 1. Subject to appropriation the office of administration shall develop a tax expenditure budget for submission to the general assembly in conjunction with the submission of the state budget as required in section 33.280. The tax expenditure budget shall indicate, on an annual basis, the reduction in revenue collections for each fiscal year as a result of each deduction, exemption, credit or other tax preference as may be authorized by law, and shall indicate, where appropriate, the tax source of each state-funded program. Periodically the tax expenditure budget shall include a cost-benefit analysis of the following:

- (1) The neighborhood assistance program, sections 32.100 to 32.125;
- (2) Tax increment financing, sections 99.800 to 99.865;
- (3) Export and infrastructure funding, sections 100.250 to 100.297;
- (4) Credit for new expanded business facility, sections 135.100 to 135.150;
- (5) Enterprise zones, sections 135.200 to 135.256;
- (6) Main street program, sections 251.470 to 251.485;
- (7) Economic development districts, sections 251.500 to 251.510;
- (8) Rural economic development, sections 620.155 to 620.165;
- (9) Export development, sections 620.170 to 620.174;
- (10) Small business incubator program, section 620.495; and
- (11) Other programs as may be practical.

Pursuant to the provisions of section 32.057, the department of revenue shall not release information as part of the tax expenditure budget in a manner that would allow the identification of any individual taxpayer.

2. On or before October first of each year each state department authorized by law to offer deductions, exemptions, credits or other tax preferences shall submit to the budget director the estimated amount of such tax expenditures for the fiscal year beginning July first of the following year and a cost/benefit analysis of such tax expenditures for the preceding fiscal year. Such estimates and analysis shall be in the manner and

form prescribed by the budget director and shall be submitted by the budget director to the chairman of the senate appropriations committee and the chairman of the house budget committee by January first of each year.

[3. No new tax credits, except the senior citizens property tax credit as referenced in chapter 135, shall be issued or certified for any tax year beginning after July first of the following year unless the estimate of such credits have been reviewed and approved by a majority of the senate appropriations committee and the house budget committee.]"; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 529, Page 4, Section 135.775, Line 42, by striking "twenty" and inserting in lieu thereof the following: "**sixteen**".

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Hoskins, **HCS** for **HB 529**, with **SCS**, and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS#2** for **SCS** for **HB 273**, as amended. Representatives: Hannegan, Knight, Christofanelli, Brown (27), Lewis (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS#2** for **SB 26**, entitled:

An Act to repeal sections 67.030, 84.400, 557.045, and 574.085, RSMo, and to enact in lieu thereof seven new sections relating to public safety, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1, House Amendment No. 3 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 2 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 2 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 2 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 3 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment Nos. 12, 13, House Amendment No. 2 to House Amendment No. 14, House Amendment No. 3 to House Amendment No. 14, House Amendment No. 4 to House Amendment No. 14,

House Amendment No. 5 to House Amendment No. 14, House Amendment No. 14, as amended, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15, as amended, House Amendment No. 1 to House Amendment No. 16, House Amendment No. 16, as amended, House Amendment No. 17, House Amendment No. 1 to House Amendment No. 18, House Amendment No. 18, as amended, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19, as amended, House Amendment Nos. 20 and 21.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 5, by deleting said line and inserting in lieu thereof the following:

“regarding a license issued by the director under this chapter.

15. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting immediately after the phrase “Senate Bill No. 26,” on said line the following;

“Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“56.380. It is unlawful for the circuit attorneys or the assistant circuit attorneys of the courts of this state having jurisdiction of criminals within cities in this state having a population of seven hundred thousand inhabitants or more to contract for, directly or indirectly, or to accept, receive or take any fee, reward, promise or undertaking, or gift or valuable thing of any kind whatsoever, except the salary of his office prescribed by law, for aiding, advising, promoting or procuring any indictment, true bill or legal process of any kind whatsoever against any person or party, or for aiding, promoting, counseling or procuring the detection, discovery, apprehension, prosecution or conviction of any person upon any charge whatsoever, or for aiding, advising or counseling of or concerning, or for procuring, promoting or effecting the discovery or recovery, by any means whatever, of any valuable thing which is secreted or detained from the possession of the owner or lawful custodian thereof. Any officer who is convicted of the violation of any of the provisions of this section shall be punished by imprisonment by the state department of corrections [and human resources] for not more than seven years and in addition shall forfeit his office.

56.455. In addition to his other duties, the circuit attorney of the City of St. Louis shall make a detailed report of all information in his possession pertaining to each person committed to the state penitentiary by the circuit court of the City of St. Louis to the director of the state department of corrections [and human resources] and to the state [board of probation and] parole **board**. The report shall include such information as may be requested by such director or board and shall include a summary of such evidence as to the prior convictions of the convict, his mental condition, education and other personal background information which is available to the circuit attorney as well as the date of the crime for which the convict was sentenced, whether he was tried or pleaded guilty, and such facts as are available as to the aggravating or

mitigating circumstances of the crime. The circuit attorney may include in the report his recommendation as to whether the convict should be kept in a maximum security institution. The report shall be transmitted within twenty days after the date of the conviction or at such other time as is prescribed by the director of the department of corrections [and human resources] or [board of probation and] parole **board.**"; and

Further amend said bill, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

"105.950. 1. Until June 30, 2000, the commissioner of administration and the directors of the departments of revenue, social services, agriculture, economic development, corrections, labor and industrial relations, natural resources, and public safety shall continue to receive the salaries they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the governor within the limits of the salary ranges established pursuant to this section and the appropriation for that purpose. Salary ranges for department directors and members of the [board of probation and] parole **board** shall be set by the personnel advisory board after considering the results of a study periodically performed or administered by the office of administration. Such salary ranges shall be published yearly in an appendix to the revised statutes of Missouri.

3. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005.

149.071. Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections [and human resources] for a term of not less than two years nor more than five years.

149.076. 1. No manufacturer, wholesaler or retailer shall fail or refuse to make any return required by the director, or refuse to permit the director or his duly authorized representatives to examine records, papers, files and equipment pertaining to the person's business made taxable by this chapter. No person shall make an incomplete, false or fraudulent return under this chapter, or attempt to do anything to evade full disclosure of the facts or to avoid the payment in whole or in part of the tax or interest due.

2. Any person who files a false report or application or makes a false entry in any record relating to the purchase and sale of cigarettes shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections [and human resources] for a term of not less than two years nor more than five years.

214.392. 1. The division shall:

(1) Recommend prosecution for violations of the provisions of sections 214.270 to 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

(2) Employ, within limits of the funds appropriated, such employees as are necessary to carry out the

provisions of sections 214.270 to 214.410;

(3) Be allowed to convey full authority to each city or county governing body the use of inmates controlled by the department of corrections and the [board of probation and] parole **board** to care for abandoned cemeteries located within the boundaries of each city or county;

(4) Exercise all budgeting, purchasing, reporting and other related management functions;

(5) Be authorized, within the limits of the funds appropriated, to conduct investigations, examinations, or audits to determine compliance with sections 214.270 to 214.410;

(6) The division may promulgate rules necessary to implement the provisions of sections 214.270 to 214.516, including but not limited to:

(a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516. The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and expense of administering sections 214.270 to 214.516. All moneys received by the division pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such moneys to the department of revenue for deposit in the state treasury to the credit of the endowed care cemetery audit fund created in section 193.265;

(b) Rules to administer the inspection and audit provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) “Administrative segregation unit”, a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) “Board”, the [board of probation and] parole **board**;

(3) “Chief administrative officer”, the institutional head of any correctional facility or his designee;

(4) “Correctional center”, any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department’s authority;

(5) “Department”, the department of corrections of the state of Missouri;

(6) “Director”, the director of the department of corrections or his designee;

(7) “Disciplinary segregation”, a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender’s behavior;

(8) “Division”, a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) “Division director”, the director of a division of the department or his designee;

(10) “Local volunteer community board”, a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) “Nonviolent offender”, any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) “Offender”, a person under supervision or an inmate in the custody of the department;

(13) “Probation”, a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the [board] **division of probation and parole**;

(14) “Volunteer”, any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.030. The director shall appoint the directors of the divisions of the department[, except the chairman of the parole board who shall be appointed by the governor]. Division directors shall serve at the pleasure of the director[, except the chairman of the parole board who shall serve in the capacity of chairman at the pleasure of the governor]. The director of the department shall be the appointing authority under chapter 36 to employ such administrative, technical and other personnel who may be assigned to the department generally rather than to any of the department divisions or facilities and whose employment is necessary for the performance of the powers and duties of the department.

217.250. Whenever any offender is afflicted with a disease which is terminal, or is advanced in age to the extent that the offender is in need of long-term nursing home care, or when confinement will necessarily greatly endanger or shorten the offender’s life, the correctional center’s physician shall certify such facts to the chief medical administrator, stating the nature of the disease. The chief medical administrator with the approval of the director will then forward the certificate to the [board of probation and] parole **board** who in their discretion may grant a medical parole or at their discretion may recommend to the governor the granting or denial of a commutation.

217.270. All correctional employees shall:

(1) Grant to members of the state [board of probation and] parole **board** or its properly accredited representatives access at all reasonable times to any offender;

(2) Furnish to the board the reports that the board requires concerning the conduct and character of any offender in their custody; and

(3) Furnish any other facts deemed pertinent by the board in the determination of whether an offender shall be paroled.

217.362. 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department.

The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-four months, as well as a term of incarceration. The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided. Execution of the offender's term of incarceration shall be suspended pending completion of said program. Allocation of space in the program may be distributed by the department in proportion to drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is no space available, the court shall consider other authorized dispositions.

3. Upon successful completion of the program, the [board] **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. If the court determines that probation is not appropriate the court may order the execution of the offender's sentence.

4. If it is determined by the department that the offender has not successfully completed the program, or that the offender is not cooperatively participating in the program, the offender shall be removed from the program and the court shall be advised. Failure of an offender to complete the program shall cause the offender to serve the sentence prescribed by the court and void the right to be considered for probation on this sentence.

5. An offender's first incarceration in a department of corrections program pursuant to this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term pursuant to the provisions of section 558.019.

217.364. 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program" means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision.

3. The following offenders may participate in the program as determined by the department:

(1) Any nonviolent offender who has not previously been remanded to the department and who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the [board of probation and] parole **board** within thirty days of completion. Upon notification from the department that the offender has successfully completed the

program, the [board of probation and] parole **board** may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

217.455. The request provided for in section 217.450 shall be delivered to the director, who shall forthwith:

(1) Certify the term of commitment under which the offender is being held, the time already served, the time remaining to be served on the sentence, the time of parole eligibility of the offender, and any decisions of the state [board of probation and] parole **board** relating to the offender; and

(2) Send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

217.541. 1. The department shall by rule establish a program of house arrest. The director or his designee may extend the limits of confinement of offenders serving sentences for class D or E felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state [board of probation and] parole **board**.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The [board] **division** of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.

217.650. As used in sections 217.650 to 217.810, unless the context clearly indicates otherwise, the following terms mean:

(1) [“Board”, the state board of probation and parole;

(2) “Chairman”, chairman of the board of probation and] **“Chair”, the chair of the parole board, who shall be appointed by the governor;**

[(3)] **(2) “Diversionary program”, a program designed to utilize alternatives to incarceration undertaken under the supervision of the [board] division of probation and parole after commitment of an offense and prior to arraignment;**

[(4)] **(3) “Parole”, the release of an offender to the community by the court or the state [board of probation and] parole board prior to the expiration of his term, subject to conditions imposed by the court or the parole board and to its supervision by the division of probation and parole;**

(4) “Parole board”, the state board of parole;

(5) “Prerelease program”, a program relating to an offender’s preparation for, or orientation to, supervision by the [board] **division of probation and parole** immediately prior to or immediately after assignment of the offender to the [board] **division of probation and parole** for supervision;

(6) “Pretrial program”, a program relating to the investigation or supervision of persons referred or assigned to the [board] **division of probation and parole** prior to their conviction;

(7) “Probation”, a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the [board] **division of probation and parole;**

(8) “Recognizance program”, a program relating to the release of an individual from detention who is under arrest for an offense for which he may be released as provided in section 544.455.

217.655. 1. The parole board shall be responsible for determining whether a person confined in the department shall be paroled or released conditionally as provided by section 558.011. The **parole** board shall receive administrative support from the division of probation and parole. The division of probation and parole shall provide supervision to all persons referred by the circuit courts of the state as provided by sections 217.750 and 217.760. The **parole** board shall exercise independence in making decisions about individual cases, but operate cooperatively within the department and with other agencies, officials, courts, and stakeholders to achieve systemic improvement including the requirements of this section.

2. The **parole** board shall adopt parole guidelines to:

(1) Preserve finite prison capacity for the most serious and violent offenders;

(2) Release supervision-manageable cases consistent with section 217.690;

(3) Use finite resources guided by validated risk and needs assessments;

- (4) Support a seamless reentry process;
- (5) Set appropriate conditions of supervision; and
- (6) Develop effective strategies for responding to violation behaviors.

3. The **parole** board shall collect, analyze, and apply data in carrying out its responsibilities to achieve its mission and end goals. The **parole** board shall establish agency performance and outcome measures that are directly responsive to statutory responsibilities and consistent with agency goals for release decisions, supervision, revocation, recidivism, and caseloads.

4. The **parole** board shall publish parole data, including grant rates, revocation and recidivism rates, length of time served, and successful supervision completions, and other performance metrics.

5. The **chair of the board** shall **employ such employees as necessary to carry out the chair's responsibilities, shall serve as the appointing authority over such employees, and shall provide for appropriate training to members and staff, including communication skills.**

6. The division of probation and parole shall provide such programs as necessary to carry out its responsibilities consistent with its goals and statutory obligations.

217.665. 1. Beginning August 28, 1996, the parole board shall consist of seven members appointed by the governor by and with the advice and consent of the senate.

2. Beginning August 28, 1996, members of the board shall be persons of recognized integrity and honor, known to possess education and ability in decision making through career experience and other qualifications for the successful performance of their official duties. Not more than four members of the board shall be of the same political party.

3. At the expiration of the term of each member and of each succeeding member, the governor shall appoint a successor who shall hold office for a term of six years and until his successor has been appointed and qualified. Members may be appointed to succeed themselves.

4. Vacancies occurring in the office of any member shall be filled by appointment by the governor for the unexpired term.

5. The governor shall designate one member of the board as [chairman] **chair** and one member as vice [chairman] **chair**. The [chairman] **chair** shall establish the duties and responsibilities of the members of the board and supervise their performance and may require reports from any member as to his or her conduct and exercise of duties. In the event of the [chairman's] **chair's** removal, death, resignation, or inability to serve, the vice [chairman] **chair** shall act as [chairman] **chair** upon written order of the governor or [chairman] **chair**.

6. Members of the board shall devote full time to the duties of their office and before taking office shall subscribe to an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri. The oath shall be signed in the office of the secretary of state.

7. The annual compensation for each member of the board whose term commenced before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including prior salary adjustments, provided pursuant to section 105.005. Salaries for board members whose terms commence after August 27, 1999, shall be set as provided in section 105.950; provided, however, that the compensation of a board member shall not be increased during the member's term of office, except as provided in section 105.005.

In addition to compensation provided by law, the members shall be entitled to reimbursement for necessary travel and other expenses incurred pursuant to section 33.090.

8. Any person who served as a member of the board of probation and parole prior to July 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters. As compensation for such services, such consultant shall not be denied use of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter 104, provided such sick leave was maintained by the board of probation and parole in the regular course of business prior to July 1, 2000, but only to the extent of such sick leave records are consistent with the rules promulgated pursuant to section 36.350. Nothing in this section shall authorize the use of any other form of leave that may have been maintained by the board prior to July 1, 2000.

217.690. 1. All releases or paroles shall issue upon order of the **parole** board, duly adopted.

2. Before ordering the parole of any offender, the **parole** board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the **parole** board. The **parole** board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the **parole** board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the **parole** board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the division of probation and parole to assist offenders to successfully complete probation, parole, or conditional release. The [board] **division of probation and parole** shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The **parole** board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole

eligibility for an ordinary life sentence.

6. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

7. A victim who has requested an opportunity to be heard shall receive notice that the **parole** board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

8. Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a **parole** board member at the **parole** board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The **parole** board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

9. The **parole** board shall notify any person of the results of a parole eligibility hearing if the person indicates to the **parole** board a desire to be notified.

10. The **parole** board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

11. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The **parole** board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. **Parole** board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.

12. Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

13. Beginning January 1, 2001, the **parole** board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the **parole** board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

14. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

- (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- (2) Has no prior violent felony convictions;
- (3) No longer has a cognizable legal claim or legal recourse; and

(4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the **parole** board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The [board of probation and] **parole board** shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the **parole** board's review, the **parole** board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the [parole board] **division of probation and parole** for an amount of time to be determined by the **parole** board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;

(3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;

- (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (5) Any victim information outlined in subsection 8 of section 217.690 and section 595.209;
- (6) The offender's continued claim of innocence;
- (7) The age and maturity of the offender at the time of the **parole** board's decision;
- (8) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;
- (9) The presence of a workable parole plan; and
- (10) Community and family support.

5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

6. Nothing in this section shall limit the review of any offender's case who has applied for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

7. It shall be the responsibility of the offender to petition the **parole** board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the **parole** board. Perjury under this section shall be a class D felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.

217.695. 1. As used in this section, the following terms mean:

(1) "Chief law enforcement official", the county sheriff, chief of police or other public official responsible for enforcement of criminal laws within a county or city not within a county;

(2) "County" includes a city not within a county;

(3) "Offender", a person in the custody of the department or under the supervision of the [board] **division of probation and parole**.

2. Each offender to be released from custody of the department who will be under the supervision of the [board] **division of probation and parole**, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to hair samples or other identification indicia. All data and indicia of identification shall be compiled in duplicate, with one set to be retained by the department, and one set for the chief law enforcement official of the county of intended residence.

3. Any offender subject to the provisions of this section who changes his county of residence shall, in addition to notifying the [board] **division** of probation and parole, notify and register with the chief law

enforcement official of the county of residence within seven days after he changes his residence to that county.

4. Failure by an offender to register with the chief law enforcement official upon a change in the county of his residence shall be cause for revocation of the parole of the person except for good cause shown.

5. The department, the [board] **division of probation and parole**, and the chief law enforcement official shall cause the information collected on the initial registration and any subsequent changes in residence or registration to be recorded with the highway patrol criminal information system.

6. The director of the department of public safety shall design and distribute the registration forms required by this section and shall provide any administrative assistance needed to facilitate the provisions of this section.

217.710. 1. Probation and parole officers, supervisors and members of the [board of probation and] parole **board**, who are certified pursuant to the requirements of subsection 2 of this section shall have the authority to carry their firearms at all times. The department of corrections shall promulgate policies and operating regulations which govern the use of firearms by probation and parole officers, supervisors and members of the **parole board** when carrying out the provisions of sections 217.650 to 217.810. Mere possession of a firearm shall not constitute an employment activity for the purpose of calculating compensatory time or overtime.

2. The department shall determine the content of the required firearms safety training and provide firearms certification and recertification training for probation and parole officers, supervisors and members of the [board of probation and] parole **board**. A minimum of sixteen hours of firearms safety training shall be required. In no event shall firearms certification or recertification training for probation and parole officers and supervisors exceed the training required for officers of the state highway patrol.

3. The department shall determine the type of firearm to be carried by the officers, supervisors and members of the [board of probation and] parole **board**.

4. Any officer, supervisor or member of the [board of probation and] parole **board** that chooses to carry a firearm in the performance of such officer's, supervisor's or member's duties shall purchase the firearm and holster.

5. The department shall furnish such ammunition as is necessary for the performance of the officer's, supervisor's and member's duties.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

217.735. 1. Notwithstanding any other provision of law to the contrary, the division of probation and parole shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the **parole** board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the [board] **division of probation and parole** may adopt rules relating to supervision and electronic monitoring of offenders under this section.

217.829. 1. The department shall develop a form which shall be used by the department to obtain information from all offenders regarding their assets.

2. The form shall be submitted to each offender as of the date the form is developed and to every offender who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form may be resubmitted to an offender by the department for purposes of obtaining current information regarding assets of the offender.

3. Every offender shall complete the form or provide for completion of the form and the offender shall swear or affirm under oath that to the best of his or her knowledge the information provided is complete and accurate. Any person who shall knowingly provide false information on said form to state officials or employees shall be guilty of the crime of making a false affidavit as provided by section 575.050.

4. Failure by an offender to fully, adequately and correctly complete the form may be considered by the [board of probation and] parole **board** for purposes of a parole determination, and in determining an offender's parole release date or eligibility and shall constitute sufficient grounds for denial of parole.

5. Prior to release of any offender from imprisonment, and again prior to release from the jurisdiction of the department, the department shall request from the offender an assignment of ten percent of any

wages, salary, benefits or payments from any source. Such an assignment shall be valid for the longer period of five years from the date of its execution, or five years from the date that the offender is released from the jurisdiction of the department or any of its divisions or agencies. The assignment shall secure payment of the total cost of care of the offender executing the assignment. The restrictions on the maximum amount of earnings subject to garnishment contained in section 525.030 shall apply to earnings subject to assignments executed pursuant to this subsection.

549.500. All documents prepared or obtained in the discharge of official duties by any member or employee of the [board of probation and] parole **board or employee of the division of probation and parole** shall be privileged and shall not be disclosed directly or indirectly to anyone other than members of the **parole** board and other authorized employees of the department pursuant to section 217.075. The **parole** board may at its discretion permit the inspection of the report or parts thereof by the offender or his attorney or other persons having a proper interest therein.”; and

Further amend said bill, Page 2, Section 557.045, Line 15, by inserting after all of said section and line the following:

“557.051. 1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, and who is granted a suspended imposition or execution of sentence or placed under the supervision of the [board] **division** of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program.

2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation following a finding of guilt for an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, shall not be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state [board] **division** of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the [state board] **division** of probation and parole or any office thereof.

3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of

consanguinity or affinity to any person who has a financial interest in the service provider.

558.011. 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not less than three years and not to exceed ten years;

(4) For a class D felony, a term of years not to exceed seven years;

(5) For a class E felony, a term of years not to exceed four years;

(6) For a class A misdemeanor, a term not to exceed one year;

(7) For a class B misdemeanor, a term not to exceed six months;

(8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the [board of probation and] parole **board** pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the [board of probation and] parole **board**, subject to conditions of release that the **parole board** deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the [state board] **division** of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or

state, and other conditions that the **parole** board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the [board of probation and] parole **board**. The director of any division of the department of corrections except the [board] **division** of probation and parole may file with the [board of probation and] parole **board** a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the [board of probation and] parole **board** shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the **parole** board and for the **parole** board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a **parole** board decision has not been reached, the offender shall be released conditionally. The decision of the **parole** board shall be final.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or

(5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the [board of probation and] parole **board** shall not be required for parole consideration.

558.031. 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after the offense occurred and before the commencement of the sentence, when the time in custody was related to that offense, except:

(1) Such credit shall only be applied once when sentences are consecutive;

(2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

(3) As provided in section 559.100.

2. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

3. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

4. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

5. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the [board of probation and] parole **board** revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the [state board of probation and] parole **board** if the court determines that:

(1) The convicted person was:

(a) Convicted of an offense that did not involve violence or the threat of violence; and

(b) Convicted of an offense that involved alcohol or illegal drugs; and

(2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and

(3) The convicted person is not:

(a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or

(b) A persistent sexual offender as defined in section 566.125; or

(c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.

559.026. Except in infraction cases, when probation is granted, the court, in addition to conditions imposed pursuant to section 559.021, may require as a condition of probation that the offender submit to a period of detention up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, or the [board] **division** of probation and parole shall direct. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, even though he was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558.

(2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

559.105. 1. Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses to participate in the prosecution of the crime.

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole shall be required, as a condition of parole, to make restitution pursuant to this section. The [board of probation and] parole **board** shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, [566.212, 566.213] **566.210, 566.211**, 568.020, [568.080, or 568.090] **573.200, or 573.205**, based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years of age and the offender is a prior sex offender as defined in subsection 2 of this section;

the court shall order that the offender be supervised by the [board] **division** of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the [board] **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on

the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C, class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; or any offense in which there exists a statutory prohibition against either probation or parole.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested

and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the [state board] **division** of probation and parole, a copy of the order shall be sent to the [board] **division of probation and parole**. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that **parole** board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, **the division of probation and parole**, or the **parole** board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

559.600. 1. In cases where the [board] **division** of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the [board] **division** of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.

3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.

559.602. A private entity seeking to provide probation supervision and rehabilitation services to misdemeanor offenders shall make timely written application to the judges in a circuit. When approved by the judges of a circuit, the application, the judicial order of approval and the contract shall be forwarded to the [board] **division** of probation and parole. The contract shall contain the responsibilities of the private entity, including the offenses for which persons will be supervised. The [board] **division** may then withdraw supervision of misdemeanor offenders which are to be supervised by the court-approved private entity in that circuit.

559.607. 1. Judges of the municipal division in any circuit, acting through a chief or presiding judge, either may contract with a private or public entity or may employ any qualified person to serve as the city's probation officer to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city, specifically including the offense of operating or being in physical

control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615. Persons found guilty or pleading guilty to ordinance violations and placed on probation by municipal or city court judges shall contribute a service fee to the court in the amount set forth in section 559.604 to pay the cost of their probation supervision provided by a probation officer employed by the court or by a contract probation officer as provided for in section 559.604.

2. When approved by municipal court judges in the municipal division, the application, judicial order of approval, and the contract shall be forwarded to and filed with the [board] **division** of probation and parole. The court-approved private or public entity or probation officer employed by the court shall then function as the probation office for the city, pursuant to the terms of the contract or conditions of employment and the terms of probation ordered by the judge. Any city in this state which presently does not have probation services available for persons convicted of its ordinance violations, or that contracts out those services with a private entity, may, under the procedures authorized in sections 559.600 to 559.615, contract with and continue to contract with a private entity or employ any qualified person and contract with the municipal division to provide such probation supervision and rehabilitation services.

566.145. 1. A person commits the offense of sexual conduct with a prisoner or offender if he or she:

(1) Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; or

(2) Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer.

2. For the purposes of this section the following terms shall mean:

(1) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the [state board] **division** of probation and parole;

(2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. The offense of sexual conduct with a prisoner or offender is a class E felony.

4. Consent of a prisoner or offender is not a defense.

571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or

unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck

officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the [board of probation and] parole **board**;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state

employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the [crime] **offense** of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such

person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section “qualified retired peace officer” means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.”; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after all of said section and line the following:

“575.205. 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court, **division of probation and parole**, or the [board of probation and] parole **board** has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

575.206. 1. A person commits the offense of violating a condition of lifetime supervision if he or she knowingly violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the [board of probation and] parole **board** under section 217.735.

2. The offense of violating a condition of lifetime supervision is a class D felony.

589.042. The court or the [board of probation and] parole **board** shall have the authority to require a person who is required to register as a sexual offender under sections 589.400 to 589.425 to give his or her assigned probation or parole officer access to his or her personal home computer as a condition of probation or parole in order to monitor and prevent such offender from obtaining and keeping child pornography or from committing an offense under chapter 566. Such access shall allow the probation or parole officer to view the internet use history, computer hardware, and computer software of any computer, including a laptop computer, that the offender owns.”; and

Further amend said bill,”; and

Further amend said amendment, Page 1, Line5, by deleting said line and inserting in lieu thereof the following:

“regarding a license issued by the director under this chapter.

650.055. 1. Every individual who:

(1) Is found guilty of a felony or any offense under chapter 566; or

(2) Is seventeen years of age or older and arrested for burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or

(3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

(1) Upon booking at a county jail or detention facility; or

(2) Upon entering or before release from the department of corrections reception and diagnostic centers;
or

(3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513;
or

(4) When the state accepts a person from another state under any interstate compact, or under any other

reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The [board] **division** of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040.

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

- (1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;
- (2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;
- (3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;
- (4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.

650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of one hundred dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;
- (3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the [board of probation and] parole **board** in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the [board of probation and parole's] **parole board's** sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that their probation or parole was revoked in connection with the crime for which the person has been exonerated; and
- (4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay

restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

[217.660. 1. The chairman of the board of probation and parole shall be the director of the division.

2. In addition to the compensation as a member of the board, any chairman whose term of office began before August 28, 1999, shall receive three thousand eight hundred seventy-five dollars per year for duties as chairman.]"; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate

Bill No. 26, Page 1, Line 1, by inserting after the number “26,” the following:

“Page 5, Section 590.502, Line 27, by inserting after the word “**complaint**” the following:

“or, in the case of investigations alleging internal discrimination or harassment, a general written synopsis with the complainant’s name redacted,”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 9, Section 590.502, Line 175, by inserting after said line the following:

“14. Nothing in this section shall apply to any investigation or other action by the director regarding a license issued by the director under this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

“565.093. 1. As used in this section, the following terms and phrases mean:

(1) “Harassment”, verbal or nonverbal behavior by a person that would cause a reasonable person to be placed in fear of receiving bodily harm;

(2) “Recreation athletic contest official”, any referee, umpire, coach, instructor, administrator, staff person, or recreation employee of any public or quasi-public recreation program;

(3) “School athletic contest official”, any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private elementary or secondary school.

2. A person commits the offense of harassment of a school or recreation athletic contest official if the harassment occurs under the following circumstances:

(1) While the school or recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest; or

(2) In the immediate vicinity of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest and is based on the official’s performance in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.

3. A person who commits the offense of harassment of a school or recreation athletic contest official shall be fined no more than five hundred dollars, imprisoned for no more than ninety days, or both.

4. In addition to any other penalty imposed, the court shall order the person:

(1) To perform forty hours of court-approved community service work; and

(2) To participate in a court-approved counseling program that may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court. Any costs associated with the counseling program shall be paid by such person.

5. Participation in the community service and counseling program required under subsection 4 of this section shall not be suspended.

569.154. 1. A person commits the offense of entry or remaining on site of a school or recreation athletic contest if such person, without authority, goes into or upon or remains in or upon, or attempts to go into or upon or remain in or upon, any immovable property or other site or location that belongs to another and that is used for any school or recreation athletic contest, including any area in the immediate vicinity of the site or location of the school or recreation athletic contest, after having been forbidden to do so, either orally or in writing, by any owner, lessee, or custodian of the property or by any other authorized person.

2. A person who violates subsection 1 of this section shall be fined no more than five hundred dollars, imprisoned for no more than six months, or both.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number “26,” the following:

“Page 2, Section 67.030, Line 20, by inserting after the word “**agency**” the phrase “**except for those created under section 162.215,**”; and

Further amend said bill, “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 9, by inserting after all of said line the following:

“Further amend said bill and section, Page 7, Line 97, by inserting after the first occurrence of the word “**by**” the words “**lawful subpoena or**”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 4, Section 590.502, Lines 2-3, by deleting the phrase “**an agency or department**” and inserting in lieu thereof the phrase “**a law enforcement agency**”; and

Further amend said bill, page, and section, Line 4, by deleting said line and inserting in lieu thereof the words “**issued by such agency;**”; and

Further amend said bill, page, and section, Line 14, by deleting the word “**sworn**” and inserting in lieu thereof the word “**commissioned**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

“217.690. 1. All releases or paroles shall issue upon order of the board, duly adopted.

2. Before ordering the parole of any offender, the board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the board. The board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the division of probation and parole to assist offenders to successfully complete probation, parole, or conditional release. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under eighteen years of age at the time of the commission of the offense or offenses may be eligible for parole after serving fifteen years of incarceration, regardless of whether the case is final for the purposes of

appeal, and may be eligible for reconsideration hearings in accordance with regulations promulgated by the parole board.

7. The provisions of subsection 6 shall not apply to an offender found guilty of murder in the first degree or capital murder who was under eighteen years of age when the offender committed the offense or offenses who may be found ineligible for parole or whose parole eligibility may be controlled by section 558.047 or 565.033.

8. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

[7.] **9. A victim who has requested an opportunity to be heard shall receive notice that the **parole** board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.**

[8.] **10. Parole hearings shall, at a minimum, contain the following procedures:**

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a **parole** board member at the **parole** board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The **parole** board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

[9.] **11. The **parole** board shall notify any person of the results of a parole eligibility hearing if the person indicates to the **parole** board a desire to be notified.**

[10.] **12. The **parole** board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.**

[11.] **13. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The **parole** board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community.**

Parole board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.

[12.] **14.** Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

[13.] **15.** Beginning January 1, 2001, the **parole** board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the **parole** board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

[14.] **16.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

- (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- (2) Has no prior violent felony convictions;
- (3) No longer has a cognizable legal claim or legal recourse; and

(4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The board of probation and parole shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the board's review, the board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the parole board for an amount of time to be determined by the board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;
- (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (5) Any victim information outlined in subsection [8] **10.** of section 217.690 and section 595.209;
- (6) The offender's continued claim of innocence;
- (7) The age and maturity of the offender at the time of the board's decision;
- (8) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;
- (9) The presence of a workable parole plan; and
- (10) Community and family support.

5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

6. Nothing in this section shall limit the review of any offender's case who has applied for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

7. It shall be the responsibility of the offender to petition the board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the board. Perjury under this section shall be a class D felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

“566.145. 1. A person commits the offense of sexual conduct **in the course of public duty if the person engages in sexual conduct:**

(1) With a **detainee**, a prisoner, or **an** offender [if he or she] **and the person:**

[(1)] **(a)** Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; [or

(2)] **(b)** Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer; **or**

(c) Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner who is in the custody of such officer; or

(2) With someone who is not a detainee, a prisoner, or an offender and the person is:

(a) A probation and parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility;

(b) On duty; and

(c) The offense was committed by means of coercion as defined in section 566.200.

2. For the purposes of this section the following terms shall mean:

(1) “Detainee”, a person deprived of liberty and kept under involuntary restraint, confinement, or custody;

(2) “Offender”, includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the state board of probation and parole;

[(2)] (3) “Prisoner”, includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. The offense of sexual conduct [with a prisoner or offender] **in the course of public duty** is a class E felony.

4. Consent of a **detainee, a prisoner [or] , an offender, or any other person** is not a defense.”; and

Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after said section and line the following:

“590.805. 1. A law enforcement officer shall not knowingly use a respiratory choke-hold unless the use is in defense of the officer or another from serious physical injury or death.

2. A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person’s neck with the purpose of controlling or restricting such person’s breathing.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Line 18, by inserting after all of said line the following:

“Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and line the following:

“590.1265. 1. The provisions of this section shall be known and may be cited as the “Police Use of Force Transparency Act of 2021”.

2. For purposes of this section, the following terms mean:

(1) “Law enforcement agency”, the same meaning as defined in section 590.1040;

(2) “Peace officer”, the same meaning as defined in section 590.010;

(3) “Use-of-force incident”, an incident in which:

(a) A fatality occurs that is connected to a use of force by a peace officer;

(b) Serious bodily injury occurs that is connected to a use of force by a peace officer; or

(c) In the absence of death or serious bodily injury, a peace officer discharges a firearm at, or in the direction of, a person.

3. Each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation.

4. Each law enforcement agency shall additionally report the data submitted under subsection 3 of this section to the department of public safety. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports.

5. The department of public safety shall, no later than June 30, 2022, develop standards and procedures governing the collection and reporting of use-of-force data under this section. The standards and procedures shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the Federal Bureau of Investigation.

6. The department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report. Such data shall be deemed a public record consistent with the provisions and exemptions contained in chapter 610.

7. The department of public safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than January 1, 2025. The report shall be updated periodically thereafter, but not less than once every five years.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number “26,” the following:

“Page 1, Section A, Line 3, by inserting after said section and line the following:

“27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall **not be required to** reside at the seat of government [and] **but shall** keep his office in the supreme court building[,] and receive an annual salary of sixty-five thousand dollars

plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance of his official duties, shall not engage in the practice of law.”; and

Further amend said bill and page, Section 67.030, Line 14, by inserting after said section and line the following:

“79.235. 1. Notwithstanding any law to the contrary and for any city of the fourth classification with no more than two thousand inhabitants, if a statute or ordinance authorizes the mayor of a city of the fourth classification to appoint a member of a board or commission, any requirement that the appointed person be a resident of the city shall be deemed satisfied if the person owns real property or a business in the city, regardless of whether the position to which the appointment is made is considered an officer of the city under section 79.250.

2. Notwithstanding any law to the contrary and for any city of the fourth classification with no more than two thousand inhabitants, if a statute or ordinance authorizes a mayor to appoint a member of a board that manages a municipal utility of the city, any requirement that the appointed person be a resident of the city shall be deemed satisfied if all of the following conditions are met:

(1) The board has no authority to set utility rates or to issue bonds;

(2) The person resides within five miles of the city limits;

(3) The person owns real property or a business in the city;

(4) The person or the person’s business is a customer of a public utility, as described under section 91.450, managed by the board; and

(5) The person has no pecuniary interest in, and is not a board member of, any utility company that offers the same type of service as a utility managed by the board.”; and

Further amend said bill,”; and

Further amend said amendment and page, Line 13, by inserting after said line the following:

“285.575. 1. This section shall be known and may be cited as the “Whistleblower’s Protection Act”.

2. As used in this section, the following terms shall mean:

(1) “Because” or “because of”, as it relates to the adverse decision or action, the person’s status as a protected person was the motivating factor;

(2) “Employer”, an entity that has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. “Employer” shall not include the state of Missouri or its agencies, instrumentalities, or political subdivisions, including but not limited to any public institution of higher education, a corporation wholly owned by the state of Missouri, an individual employed by an employer, or corporations and associations owned or operated by religious or sectarian organizations; except that, “employer” shall include law enforcement agencies;

(3) “Proper authorities”, a governmental or law enforcement agency, an officer of an employee’s employer, the employee’s supervisor employed by the employer, or the employee’s human resources

representative employed by the employer;

(4) “Protected person”, an employee of an employer who has reported to the proper authorities an unlawful act of his or her employer; an employee of an employer who reports to his or her employer serious misconduct of the employer that violates a clear mandate of public policy as articulated in a constitutional provision, statute, or regulation promulgated under statute; or an employee of an employer who has refused to carry out a directive issued by his or her employer that if completed would be a violation of the law[. An employee of an employer is not a protected person if:

(a) The employee is a supervisory, managerial, or executive employee or an officer of his or her employer and the unlawful act or serious misconduct reported concerns matters upon which the employee is employed to report or provide professional opinion; or

(b) The proper authority or person to whom the employee makes his or her report is the person whom the employee claims to have committed the unlawful act or violation of a clear mandate of public policy];

(5) “The motivating factor”, the employee’s protected classification actually played a role in the adverse decision or action and had a determinative influence on the adverse decision or action.

3. This section is intended to codify the existing common law exceptions to the at-will employment doctrine and to limit their future expansion by the courts. This section, in addition to chapter 213 and chapter 287, shall provide the exclusive remedy for any and all claims of unlawful employment practices.

4. It shall be an unlawful employment practice for an employer to discharge an individual defined as a protected person in this section because of that person’s status as a protected person.

5. A protected person aggrieved by a violation of this section shall have a private right of action for actual damages for violations of this section but not for punitive damages. [However, if a private right of action for damages exists under another statutory or regulatory scheme, whether under state or federal law, no private right of action shall exist under this statute.]

6. Any party to any action initiated under this section may demand a trial by jury.

7. A protected person aggrieved by a violation of this section shall have a private right of action that may be filed in a court of competent jurisdiction. The only remedies available in such an action shall be:

(1) Back pay;

(2) Reimbursement of medical bills directly related to a violation of this section; and

(3) Additionally, if a protected person proves, by clear and convincing evidence, that the conduct of the employer was outrageous because of the employer’s evil motive or reckless indifference to the rights of others, then, such person may receive double the amount awarded under subdivisions (1) and (2) of this subsection, as liquidated damages. In applying this subdivision, the provisions of section 510.263 shall be applied as though liquidated damages were punitive damages and as though the amounts referenced in subdivisions (1) and (2) of this subsection were compensatory damages.

8. The court, in addition to the damages set forth in subsection 7 of this section, may award the prevailing party court costs and reasonable attorney fees; except that a prevailing respondent may be awarded reasonable attorney fees only upon a showing that the case was without foundation.”; and

Further amend said amendment, Page 2, Line 18, by inserting after said line the following:

“Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after said section and line the following:

“[285.040. 1. As used in this section, “public safety employee” shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, emergency medical technician paramedics, dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee of a city not within a county who is hired prior to September 1, 2023, shall be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

3. Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.]”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

“84.575. 1. The board of police commissioners established by section 84.350 shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any jurisdictional limit. If the board of police commissioners has a residency rule or requirement for law enforcement officers or other employees that is in effect on or before August 28, 2021, the residency rule or requirement shall not apply and shall not be enforced.

2. The board of police commissioners may impose a residency rule or requirement on law enforcement officers or other employees, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within thirty miles from the nearest city limit and within the boundaries of the state of Missouri.

311.620. 1. No person shall be appointed as agent, assistant, deputy or inspector under the provisions of the liquor control law who shall have been convicted of or against whom any indictment may be pending for any offense; nor shall any person be appointed as such agent, assistant, deputy or inspector who is not of good character or who is not a citizen of the United States, and who is not [or has not been] a resident taxpaying citizen of the state [for a period of three years previous to his] **at the time of his or her** appointment; or who is not able to read and write the English language or who does not possess ordinary physical strength and who is not able to pass such physical and mental examination as the [majority of a board, consisting of the governor, lieutenant governor, attorney general, and the] supervisor of [liquor] **alcohol and tobacco** control may prescribe.

2. No agent, assistant, deputy or inspector so appointed shall hold any other commission or office, elective or appointive, or accept any other employment compensation while he **or she** is an employee of the [department] **division** of [liquor] **alcohol and tobacco** control, except with the written permission of

the supervisor of [liquor] **alcohol and tobacco** control. No agent, assistant, deputy or inspector of the [department] **division** of [liquor] **alcohol and tobacco** control shall accept any reward or gift other than his **or her** regular salary and expenses as provided in this chapter. No agent, assistant, deputy or inspector of the [department] **division** of [liquor] **alcohol and tobacco** control shall perform any police duty connected with the conduct of any election, nor at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election.

3. The agents, assistants, deputies and inspectors appointed under the provisions of section 311.610 shall before entering upon the discharge of their duties, each take and subscribe an oath to support the Constitution and laws of the United States and the State of Missouri and to faithfully demean themselves in office in the form prescribed by Section 11, Article VII of the Constitution of this State, and they shall each give bond to be approved by the supervisor of [liquor] **alcohol and tobacco** control for faithful performance of the duties of their respective offices and to safely keep and account for all moneys and property received by them. This bond shall be in the sum of five thousand dollars, and the cost of furnishing all such bonds shall be paid by the state.

4. Any agent, assistant, deputy or inspector of the [department] **division** of [liquor] **alcohol and tobacco** control who shall violate the provisions of this chapter shall be immediately discharged.”; and

Further amend said bill, Page 4, Section 574.085, Line 22 by inserting after said section and line the following:

“590.055. Every law enforcement agency in the state shall provide ethical use of force training and diversity training. The department of public safety shall determine appropriate training objectives and curriculum and shall provide the funding for such training to law enforcement agencies or to training providers. Such trainings shall be completed by every commissioned peace officer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the word “Page” the following:

“1, Section A, Line 3, by inserting after all of said section and line the following:

“43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of five dollars may be charged by the Missouri state highway patrol for any records request where there are allowable fees of less than five dollars under this chapter or chapter 610. Such five-dollar fee shall be in place of any allowable fee of less than five dollars.

2. The superintendent of the Missouri state highway patrol may increase the minimum fee described in this section by no more than one dollar every other year, beginning August 28, 2022; however, the minimum fee described in this section shall not exceed ten dollars.

3. A request for public records under this chapter or chapter 610 shall be considered withdrawn if the requester fails to remit all fees within thirty days of a request for payment of the fees by the Missouri state highway patrol.”; and

Further amend said bill, Page””; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 3, Line 21, by inserting after all of said line the following:

“Further amend said bill and page, Section 557.045, Line 15, by inserting after all of said section and line the following:

“570.212. 1. As used in this section, “mail” means a letter, postal card, package, bag, or other sealed article that:

(1) Is delivered by a common carrier or delivery service and not yet received by the addressee; or

(2) Has been left to be collected for delivery by a common carrier or delivery service.

2. A person commits the offense of mail theft if the person purposefully appropriates mail from another person’s mailbox or premises without consent of the addressee and with intent to deprive such addressee of the mail.

3. The offense of mail theft is a class A misdemeanor for a first offense and a class E felony for any second or subsequent offense.”; and””; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

“304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep

it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An “emergency vehicle” is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, [or] coroner, **medical examiner, or forensic investigator of the county medical examiner’s office**, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee’s official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;

(d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner's office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the

department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;

(c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term “utility worker” means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.”; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

“574.110. 1. A person commits the offense of using a laser pointer if such person knowingly directs a light from a laser pointer at a uniformed safety officer, including a peace officer as defined under section 590.010, security guard, firefighter, emergency medical worker, or other uniformed municipal, state, or federal officer.

2. As used in this section, “laser pointer” means a device that emits a visible light amplified by the stimulated emission of radiation.

3. The offense of using a laser pointer is a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after “Bill No. 26,” the following

“Page 1, Section 67.030, Line 14, by inserting after all of said line the following:

“67.287. 1. As used in this section, the following terms mean:

(1) “Minimum standards”, adequate and material provision of each of the items listed in subsection 2 of this section;

(2) “Municipality”, any city, town, or village located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(3) “Peace officer”, any peace officer as defined in section 590.010 who is licensed under chapter 590.

2. Every municipality shall meet the following minimum standards within three years of August 28, 2015, by providing the following municipal services, financial services, and reports, except that the provision of subdivision (6) of this subsection shall be completed within [six] **two years of August 28, 2021:**

(1) A balanced annual budget listing anticipated revenues and expenditures, as required in section 67.010;

(2) An annual audit by a certified public accountant of the finances of the municipality that includes a report on the internal controls utilized by the municipality to prevent misuse of public funds. The municipality also shall include its current procedures that show compliance with or reasonable exceptions to the recommended internal controls;

(3) A cash management and accounting system that accounts for all revenues and expenditures;

(4) Adequate levels of insurance to minimize risk to include:

(a) General liability coverage;

(b) If applicable, liability coverage with endorsements to cover emergency medical personnel and paramedics;

(c) If applicable, police professional liability coverage;

(d) Workers compensation benefits for injured employees under the provisions of chapter 287; and

(e) Bonds for local officials as required by section 77.390, 79.260, 80.250, or local charter;

(5) Access to a complete set of ordinances adopted by the governing body available to the public within ten business days of a written request. An online version of the regulations or code shall satisfy this requirement for those ordinances that are codified;

(6) If a municipality has a police department or contracts with another police department for public safety services, a police department accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association or a contract for police service with a police department accredited or certified by such entities;

(7) Written policies regarding the safe operation of emergency vehicles, including a policy on police pursuit;

(8) Written policies regarding the use of force by peace officers;

(9) Written general orders for a municipal police department unless contracting with another municipality or county for police services;

(10) Written policies for collecting and reporting all crime and police stop data for the municipality as required by law. Such policies shall be forwarded to the attorney general’s office;

(11) Construction code review by existing staff, directly or by contract with a public or private agency. The provisions of this subdivision shall not require the municipality to adopt an updated construction code; and

(12) Information published annually on the website of the municipality indicating how the municipality met the standards in this subsection. If there is no municipal website, the information shall be submitted to the county for publication on its website, if it has a website.

3. If any resident of a municipality has belief or knowledge that such municipality has failed to ensure that the standards listed in subsection 2 of this section are regularly provided and are likely to continue to be provided, he or she may make an affidavit before any person authorized to administer oaths setting forth the facts alleging the failure to meet the required standards and file the affidavit with the attorney general. It shall be the duty of the attorney general, if, in his or her opinion, the facts stated in the affidavit justify, to declare whether the municipality is operating below minimum standards, and if it is, the municipality shall have sixty days to rectify the deficiencies in services noted by the attorney general. If after sixty days the municipality is still deemed by the attorney general to have failed to rectify sufficient minimum standards to be in compliance with those specified by subsection 2 of this section, the attorney general may file suit in the circuit court of the county. If the court finds that the municipality is not in compliance with the minimum standards specified in subsection 2 of this section, the circuit court of the county shall order the following remedies:

(1) Appointment of an administrative authority for the municipality including, but not limited to, another political subdivision, the state, or a qualified private party to administer all revenues under the name of the municipality or its agents and all funds collected on behalf of the municipality. If the court orders an administrative authority to administer the revenues under this subdivision, it may send an order to the director of revenue or other party charged with distributing tax revenue, as identified by the attorney general, to distribute such revenues and funds to the administrative authority who shall use such revenues and existing funds to provide the services required under a plan approved by the court. The court shall enter an order directing all financial and other institutions holding funds of the municipality, as identified by the attorney general, to honor the directives of the administrative authority;

(2) If the court finds that the minimum standards specified in subsection 2 of this section still are not established at the end of ninety days from the time the court finds that the municipality is not in compliance with the minimum standards specified in subsection 2 of this section, the court may either enter an order disincorporating the municipality or order placed on the ballot the question of whether to disincorporate the municipality as provided in subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368. The court also shall place the question of disincorporation on the ballot as provided by subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368 if at least twenty percent of the registered voters residing in the subject municipality or forty percent of the number of voters who voted in the last municipal election, whichever is lesser, submit a petition to the court while the matter is pending, seeking disincorporation. The question shall be submitted to the voters in substantially the following form:

The city/town/village of _____ has failed to meet minimum standards of governance as required by law. Shall the city/town/village of _____ be dissolved?

☐ YES

☐ NO

If electors vote to disincorporate, the court shall determine the date upon which the disincorporation shall occur, taking into consideration a logical transition.

4. The court shall have ongoing jurisdiction to enforce its orders and carry out the remedies in subsection 3 of this section.”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number “26,” the following”

“Page 1, Section A, Line 3, by inserting after said section and line the following:

“43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.651.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the highway patrol or electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions to the central repository upon its behalf. **All such agencies shall also notify the central repository of any firearm reported stolen and the serial number of the firearm.**

3. In instances where an individual less than seventeen years of age and not currently certified as an adult is taken into custody for an offense which would be a felony if committed by an adult, the arresting officer shall take fingerprints for the central repository. These fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol or transmitted electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. The fingerprint cards shall be so constructed that the name of the juvenile should not be made available to the central repository. The individual’s name and the unique number associated with the fingerprints and other pertinent information shall be provided to the court of jurisdiction by the agency taking the juvenile into custody. The juvenile’s fingerprints and other information shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. In the event the fingerprints are found to match other tenprints or unsolved latent prints, the central repository shall notify the submitting agency who shall notify the court of jurisdiction as per local agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged to have violated a state or municipal traffic ordinance or regulation, which does not constitute a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless certified as an adult.

4. Upon certification of the individual as an adult, the certifying court shall order a law enforcement agency to immediately fingerprint and photograph the individual and certification papers will be forwarded to the appropriate law enforcement agency with the order for fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and certification papers to the central repository within fifteen days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify within fifteen days the central repository of the change of status of the juvenile. Records of a child who has been fingerprinted and photographed after being taken into custody shall be closed records as provided under section 610.100 if a petition has not been filed within thirty days of the date that the child was taken into custody; and if a petition for the child has not been filed within one year of the date the child was taken into custody, any records relating to the child concerning the alleged offense may be expunged under the procedures in sections 610.122 to 610.126.

5. The prosecuting attorney of each county or the circuit attorney of a city not within a county or the municipal prosecuting attorney shall notify the central repository on standard forms supplied by the highway patrol or in a manner approved by the highway patrol of his or her decision to not file a criminal charge on any charge referred to such prosecuting attorney or circuit attorney for criminal charges. All records forwarded to the central repository and the courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

6. The clerk of the courts of each county or city not within a county or municipal court clerk shall furnish the central repository, on standard forms supplied by the highway patrol or in a manner approved by the highway patrol, with a record of all charges filed, including all those added subsequent to the filing of a criminal court case, amended charges, and all final dispositions of cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for each charge:

(1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the sentencing court, using such numbers as assigned by the highway patrol.

7. The clerk of the courts of each county or city not within a county shall furnish, to the department of corrections or department of mental health, court judgment and sentence documents and the state offense cycle number and the charge code of the offense which resulted in the commitment or assignment of an offender to the jurisdiction of the department of corrections or the department of mental health if the person is committed pursuant to chapter 552. This information shall be reported to the department of corrections or the department of mental health at the time of commitment or assignment. If the offender was already

in the custody of the department of corrections or the department of mental health at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the appropriate department by certified mail, return receipt requested, or in a manner and format mutually agreed to, within fifteen days of such disposition.

8. Information and fingerprints, photograph and if available, any other unique biometric identification collected, forwarded to the central repository, normally obtained from a person at the time of the arrest, may be obtained at any time the subject is in the criminal justice system or committed to the department of mental health. A law enforcement agency or the department of corrections may fingerprint, photograph, and capture any other unique biometric identification of the person unless collecting other unique biometric identification of the person is not financially feasible for the law enforcement agency, and obtain the necessary information at any time the subject is in custody. If at the time of any court appearance, the defendant has not been fingerprinted and photographed for an offense in which a fingerprint and photograph is required by statute to be collected, maintained, or disseminated by the central repository, the court shall order a law enforcement agency or court marshal to fingerprint and photograph immediately the defendant. The order for fingerprints shall contain the offense, charge code, date of offense, and any other information necessary to complete the fingerprint card. The law enforcement agency or court marshal shall submit such fingerprints, photograph, and if available, any other unique biometric identification collected, to the central repository without undue delay and within thirty days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of the court ordering the subject fingerprinted.

9. The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or discharge of an individual who has been sentenced to that department's custody for any offenses which are mandated by law to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.651 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

43.665. The highway patrol shall, subject to appropriation, maintain a web page that shall be open to the public and shall include a stolen firearm search capability. The stolen firearm search shall make it possible for any person using the internet to search for the serial number of a firearm and determine whether the firearm has been reported stolen. The highway patrol shall not be required to provide any other information regarding a stolen firearm.”; and

Further amend said bill,”

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

“590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; [and]

(2) Maintain a current address of record on file with the director; **and**

(3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace officer is commissioned with a different law enforcement agency, for the purposes of a criminal history background check and enrollment in the state and federal Rap Back programs, pursuant to section 43.540. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the officer's commissioning law enforcement agency at the time of enrollment and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps to maintain enrollment in Rap Back for as long as the officer is commissioned with a law enforcement agency.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

7. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022, and continue to remain enrolled. The law enforcement agency shall take all necessary steps to maintain officer enrollment for all officers commissioned with that agency in the Rap Back programs. An officer shall submit to being fingerprinted at any law enforcement agency upon commissioning and for as long as the officer is commissioned with that agency.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 5, Section 590.502, Line 20, by deleting the phrase “**under investigation or is subjected to**” and inserting in lieu thereof the phrase “**under administrative investigation or is subjected to administrative**”; and

Further amend said bill and section, Page 6, Line 71, by inserting after the word “**complaint**” the phrase

“or from the date the agency became aware of the alleged conduct upon which the allegation rests”;
and

Further amend said bill and section, Page 7, Line 108, by inserting immediately after the number **“(2)”** the following:

“The right of the law enforcement officer or his or her attorney to conduct discovery prior to the hearing. Depositions may be taken in the same manner and under the same conditions as provided for in the Missouri civil rules of civil procedure for civil cases in the circuit court. Subpoenas may be issued by the board conducting the hearing or by the circuit court or the office of the clerk for the county where the agency has its principal place of business;

(3)”; and

Further amend said bill and section, Pages 7-8, by renumbering subsequent subdivisions accordingly;
and

Further amend said bill and section, Page 8, Lines 123-126, by deleting said lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 12, by inserting after all of said line the following;

“Further amend said bill, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

“571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant’s person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or renewal until five years from the last day of the month in which the permit was issued or renewed. The concealed carry permit is valid throughout this state. Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of the month in which the endorsement was issued or renewed to authorize the carrying of a concealed firearm on or about the applicant’s person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [nineteen] **eighteen** years of age, is a citizen or permanent resident of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the **United States** Armed Forces stationed in Missouri[,] or the spouse of such member of the military;

(2) [Is at least nineteen years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and nineteen years of age;

(3)] Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

[(4)] (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

[(5)] (4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

[(6)] (5) Has not been discharged under dishonorable conditions from the United States Armed Forces;

[(7)] (6) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

[(8)] (7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

[(9)] (8) Submits a completed application for a permit as described in subsection 3 of this section;

[(10)] (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

[(11)] (10) Is not the respondent of a valid full order of protection which is still in effect; **and**

[(12)] (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least [nineteen] **eighteen** years of age [or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces];

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days.

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to an national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and

informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee.

8. The concealed carry permit shall specify only the following information:

(1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;

(2) The signature of the sheriff issuing the permit;

(3) The date of issuance; and

(4) The expiration date.

The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit.

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful

issuance of a permit.

11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state highway patrol for the costs of fingerprinting and criminal background checks. An additional fee shall be added to each credit card, debit card, or other electronic transaction equal to the charge paid by the state or the applicant for the use of the credit card, debit card, or other electronic payment method by the applicant.

12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this

subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) [Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15)] Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

[(16)] (15) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

[(17)] (16) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or

brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the phrase “Senate Bill No. 26,” the following:

“Page 1, Section 67.030, Line 14, by inserting after all of said section and line the following:

“67.301. 1. Notwithstanding any provision to the contrary, no city, county, town, village, or political subdivision shall adopt or enforce any ordinance, order, or regulation that:

(1) Requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision;

(2) Imposes installation or operational requirements for the battery-charged fence that do not comply with either:

(a) The standards set by the International Electrotechnical Commission, as published June 29, 2018; or

(b) The requirements of the definition of a “battery-charged fence” under subsection 2 of this section; or

(3) Prohibits the installation or use of a battery-charged fence.

2. As used in this section, the following terms mean:

(1) “Alarm system”, an alarm system for which a permit may be issued by a political subdivision;

(2) “Battery-charged fence”, a fence that:

(a) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;

(b) Is located on property that is not designated by a city, county, town, village, or political subdivision for residential use;

(c) Has an energizer that is powered by a commercial storage battery that is no more than twelve volts of direct current and that periodically delivers voltage impulses to the fence;

(d) Produces an electric charge that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission, as published in the Commission’s standard on June 29, 2018;

(e) Is completely surrounded by a nonelectric perimeter fence or wall that is no less than five feet in height;

(f) Is no more than ten feet in height or, if part of a nonelectric fence or wall, no more than two feet higher than the nonelectric fence or wall, whichever is higher; and

(g) Is marked with conspicuous warning signs that are located on the battery-charged fence at intervals no more than sixty feet apart and that read “WARNING: ELECTRIC FENCE”.

3. Upon installation of a battery-charged fence, an installer shall deliver written notice to the chief administrator of the city, county, town, village, or political subdivision that:

(1) States that the battery-charged fence was installed;

(2) States the street address of the battery-charged fence; and

(3) Includes a certification that the battery-charged fence satisfies the definition of a “battery-charged fence” under subsection 2 of this section and the standards for electric fence energizers set by the International Electrotechnical Commission, as published in the Commission’s standard on June 29, 2018.”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

“542.525. No employee of a state agency or a political subdivision of the state shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or the landowner’s designee; a search warrant as required under Article I, Section 15 of the Constitution of Missouri or the fourth and fourteenth amendments of the Constitution of the

United States; or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer of the agency or political subdivision is valid only when the camera is facing a location that is open to public access or use and the camera is located within one hundred feet of the intended surveillance location.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

“570.035. 1. As used in this section, the following terms mean:

(1) “Internet or network site”, any identifiable site on the internet or on a network including, but not limited to:

(a) A website or other similar site on the world wide web;

(b) A site that is identifiable through a uniform resource locator;

(c) A site on a network that is owned, operated, administered, or controlled by a provider of internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room;

(2) “Merchant”, an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant’s premises.

2. A person commits the offense of organized retail theft if he or she, while alone or with any other person or persons, commits a series of thefts of retail merchandise against one or more merchants either on the premises of a merchant or through the use of an internet or network site in this state with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade, or barter the merchandise for value in any manner including, but not limited to, through the use of an internet or network site.

3. The offense of organized retail theft is a class C felony if the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars.

4. The offense of organized retail theft is a class B felony if the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days is ten thousand dollars or more.

5. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

6. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days:

(1) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services that are obtained; and

(2) The amounts involved in all thefts committed by all participants in the organized retail theft shall be aggregated.

7. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

“575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her. **Nothing in this section shall be construed to require the state to prove in a prosecution against a defendant that the defendant knew why he or she was being stopped, detained, or arrested.**

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. The offense of resisting or interfering with an arrest is a class E felony for an arrest for a:

- (1) Felony;
- (2) Warrant issued for failure to appear on a felony case; or
- (3) Warrant issued for a probation violation on a felony case.

The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony.

575.151. 1. A person commits the offense of resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a motor vehicle from a law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of any person or property, including that of the pursuing officer or other occupants of the fleeing vehicle.

2. A person commits the offense of aggravated resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a motor vehicle from a law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of any person or property, including that of the pursuing officer or other occupants of the fleeing vehicle, and that results in serious bodily injury or death to another person, including any officer.

3. Nothing in this section shall be construed to require the state to prove in a prosecution against a defendant that the defendant knew why he or she was being stopped, detained, or arrested.

4. The offense of resisting arrest by fleeing in or on a motor vehicle is a class E felony, unless the person has been previously convicted under subsection 3 of this section, in which case it is a class D felony. The offense of aggravated resisting arrest by fleeing in or on a motor vehicle is a class D felony, unless the person has been previously convicted under subsection 2 of this section, in which case it is a class C felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 5, by deleting the phrase “**or prosecuting attorney**” and inserting in lieu thereof the phrase “**prosecuting attorney; or circuit attorney**”; and

Further amend said amendment, Page 4, Line 33, by inserting after word “**children**” the words “**of the parents or guardians**”; and

Further amend said amendment, Page 5, Line 35, by inserting after the phrase “**attorney**” the phrase “**or circuit attorney**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate

Bill No. 26, Page 6, Line 43, by deleting said line and inserting in lieu thereof the following:

“to 210.1286 shall be invalid and void.

211.012. For purposes of this chapter, section 221.044, and the original jurisdiction of the juvenile court, a person shall not be considered a child if, at the time the alleged offense or violation was committed, the person was considered an adult according to then-existing law.

211.181. 1. When a child is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child;

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he or she is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the abused child of that offense until the abused child reaches

the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the abused child shall not apply when the abusing child and the abused child are siblings or children living in the same home;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his or her offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his or her attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing,

probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's [eighteenth] **nineteenth** birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

211.435. 1. [There is hereby created in the state treasury the] **A "Juvenile Justice Preservation Fund"**[, which] **is hereby established in each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to eighteen years of age. The fund** shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. [The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.]

2. For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected under this section shall be [paid

into the state treasury to the credit of the] **payable to the county circuit court juvenile justice preservation fund created in this section. [The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.] Funds held by the state treasurer in the state juvenile justice preservation fund shall be payable and revert to the circuit court's juvenile justice preservation fund in the county of origination.**

3. Expenditures from the county circuit court juvenile justice preservation fund shall be made at the discretion of the juvenile office for the circuit court and shall be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction.

4. No moneys deposited in the juvenile justice preservation fund shall be expended for capital improvements.

5. To further promote the best interests of the children of the state of Missouri, moneys in the juvenile justice preservation fund shall not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile treatment services as provided in this chapter and chapter 210 or funding as otherwise required by law.

485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars.

2. Such annual salary shall be modified by any salary adjustment provided by section 476.405[.].

3. Beginning January 1, 2022, the annual salary, as modified under section 476.405, shall be adjusted upon meeting the minimum number of cumulative years of service as a court reporter with a circuit court of this state by the following schedule:

(1) For each court reporter with zero to five years of service: the annual salary shall be increased only by any salary adjustment provided by section 476.405;

(2) For each court reporter with six to ten years of service: the annual salary shall be increased by five and one-quarter percent;

(3) For each court reporter with eleven to fifteen years of service: the annual salary shall be increased by eight and one-quarter percent;

(4) For each court reporter with sixteen to twenty years of service: the annual salary shall be increased by eight and one-half percent; or

(5) For each court reporter with twenty-one or more years of service: the annual salary shall be increased by eight and three-quarters percent.

A court reporter may receive multiple adjustments under this subsection as his or her cumulative years of service increase, but only one percentage listed in subdivisions (1) to (5) of this subsection shall apply to the annual salary at a time.

4. Salaries shall be payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed. [When] If paid by the state, the salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.”; and

Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said line the following:

“[211.438. Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.]

[211.439. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 shall become effective on January 1, 2021.]

Section B. Because immediate action is necessary to expand services from seventeen years of age to eighteen years of age, the enactment of section 211.012, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 211.012, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act shall be in full force and effect upon its passage and approval.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4 TO
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 6, Line 43, by deleting said line and inserting in lieu thereof the following:

“to 210.1286 shall be invalid and void.

304.155. 1. Any law enforcement officer within the officer’s jurisdiction, or an officer of a government agency where that agency’s real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner’s representative has had a reasonable opportunity to contact a towing company of choice;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner’s representative has had a reasonable opportunity to contact a towing company of choice;

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left

unattended for more than twenty-four hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under section 577.080;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's [timely] removal **within forty-eight hours of such person's arrest**;

(6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard;

(8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010 where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water; or

(9) Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.

2. The department of transportation or any law enforcement officer within the officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the right-of-way of any interstate highway, freeway, or state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the interstate highway, freeway, or state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed

away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.

4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

(1) The year, model, make and property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the property noted by the officer authorizing the tow;

(3) The license plate or registration number and the state of issuance, if available;

(4) The storage location of the towed property;

(5) The name, telephone number and address of the towing company;

(6) The date, place and reason for the towing of the abandoned property;

(7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;

(8) The signature and printed name of the officer authorizing the tow;

(9) The name of the towing company, the signature and printed name of the towing operator, and an

indicator disclosing whether the tower has online access to the department's records; and

(10) Any additional information the director of revenue deems appropriate.

7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, any towing company who has complied with the notification provisions in section 304.156 including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer

for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale pursuant to this section.”; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

“590.120. 1. There is hereby established within the department of public safety a “Peace Officer Standards and Training Commission” which shall be composed of eleven members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No more than two members of the POST commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the POST commission shall be police chiefs, three members shall be sheriffs, one member shall represent a state law enforcement agency covered by the provisions of this chapter, two members shall be peace officers at or below the rank of sergeant employed by a political subdivision, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession certified or regulated under this chapter. Each member of the POST commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by this chapter. No member of the POST commission serving a full term of three years may be reappointed to the POST commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the POST commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the POST commission shall be for three years or until their successors are appointed. The director may remove any member of the POST commission for misconduct or neglect of office. Any member of the POST commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the POST commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term. No two members of the POST commission shall be employees of the same law enforcement agency.

3. Annually the director shall appoint one of the members as chairperson. The POST commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the POST commission shall constitute a quorum.

4. No member of the POST commission shall receive any compensation for the performance of his official duties.

5. The director shall employ staff as the director deems necessary including, but not limited to, no fewer than one POST investigator for each administrative hearing commissioner.

6. The POST commission shall guide and advise the director concerning duties pursuant to this chapter.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5 TO
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Line 43, by deleting said line and inserting in lieu thereof the following:

“to 210.1286 shall be invalid and void.

285.043. No employee of a political subdivision of this state shall be required, as a condition of employment, to reside within a specified jurisdiction. This section shall not apply to and shall be superseded by:

(1) Any residency requirement under chapter 84; and

(2) Any requirement for an elected official.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

“210.143. 1. The children’s division; law enforcement, including the state technical assistance team; or prosecuting attorney may petition the circuit court for an order directing an exempt-from-licensure residential care facility, as those terms are defined under section 210.1253, that is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a children’s division worker for an assessment of the child’s health, safety, and well-being.

2. The court shall enter an order under this section if:

(1) The court determines that there is reasonable suspicion to suspect that the child has been abused or neglected and the residential care facility does not voluntarily provide access to the child;

(2) The assessment is reasonably necessary for the completion of an investigation or the collection of evidence; and

(3) Doing so is in the best interest of the child.

3. If the court enters an order to produce the child under this section, the court may expand the order to produce other children in the care of the residential care facility upon a reasonable suspicion that such children may have been abused or neglected.

4. The petition and order may be made on an ex parte basis if it is reasonable to believe that

providing notice may place the child at risk for further abuse or neglect, if it is reasonable to believe that providing notice may cause the child to be removed from the state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that evidence relevant to the investigation will be unavailable if the ex parte order is not entered.

5. Any person served with a subpoena, petition, or order under this section shall not be required to file an answer, but may file a motion for a protective order or other appropriate relief. The motion shall be filed at or before the time for production or disclosure set out in the subpoena or order. The motion shall be in writing, but it may be informal and no particular form shall be required. The clerk shall serve a copy of the motion on the director of the children's division and any agency who applied for the order. The court shall expedite a hearing on the motion and shall issue its decision no later than one business day after the date the motion is filed. The court may review the motion in camera and stay implementation of the order once for up to three days. The in camera review shall be conducted on the record, but steps shall be taken to protect the identity of the child. Any information that may reveal the identity of a hotline reporter shall not be disclosed to anyone in any proceeding under this subsection unless otherwise allowed by law.

6. The petition for an order under this section shall be filed in the juvenile or family court that has judicial custody of the child under section 211.031 or in the circuit court of the county:

- (1) Where the child resides;
- (2) Where the child may be found;
- (3) Where the residential care facility is located;
- (4) Where the alleged perpetrator of the child abuse or neglect resides or may be found;
- (5) Where the subject of the subpoena may be located or found; or
- (6) Of Cole if none of the other venue provisions of this subsection apply.

7. The court shall expedite all proceedings under this section so as to ensure the safety of the child, the preservation of relevant evidence, that child abuse and neglect investigations may be completed within statutory time frames, and that due process is provided to the parties involved.

8. Any person who knowingly violates this section shall be guilty of a class A misdemeanor.

9. The time frames for the children's division to complete its investigation and notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and 210.183 shall be tolled from the date that the division files a petition for a subpoena until the information is produced in full, until such subpoena is withdrawn, or until a court of competent jurisdiction quashes such subpoena.

210.493. 1. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of licensed residential care facilities and licensed child placing agencies in accordance with sections 210.481 to 210.536; owners of such residential care facilities who will have access to the facilities; and owners of such child placing agencies who will have access to children shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

2. Officers, managers, contractors, volunteers with access to children, employees, and other

support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of the residential care facility; and owners of such residential care facilities who will have access to the facilities shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

3. A background check shall include:

(1) A Federal Bureau of Investigation fingerprint check;

(2) A search of the National Crime Information Center's National Sex Offender Registry; and

(3) A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where such applicant resided during the preceding five years:

(a) The state criminal registry or repository, with the use of fingerprints being required in the state where the applicant resides and optional in other states;

(b) The state sex offender registry or repository;

(c) The state family care safety registry; and

(d) The state-based child abuse and neglect registry and database.

4. For the purposes this section and notwithstanding any other provision of law, "department" means the department of social services.

5. The department shall be responsible for background checks as part of a residential care facility or child placing agency application for licensure, renewal of licensure, or for license monitoring.

6. The department shall be responsible for background checks for residential care facilities subject to the notification requirements of sections 210.1250 to 210.1286.

7. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the department.

8. Fingerprints submitted to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks under this section shall be valid for a period of five years.

9. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the licensed residential care facility or licensed child placing agency. The department shall not reveal to the residential care facility or the child placing agency any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible

finding.

10. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the residential care facility subject to the notification requirements of sections 210.1250 to 210.1286. The department shall not reveal to the residential care facility any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

11. An applicant shall be ineligible if the applicant:

- (1) Refuses to consent to the background check as required by this section;**
- (2) Knowingly makes a materially false statement in connection with the background check as required by this section;**
- (3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;**
- (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any other state's registry or database; or**
- (5) Has pled guilty or nolo contendere to or been found guilty of:**
 - (a) Any felony for an offense against the person as defined in chapter 565;**
 - (b) Any other offense against the person involving the endangerment of a child as prescribed by law;**
 - (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;**
 - (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;**
 - (e) Burglary in the first degree as defined in section 569.160;**
 - (f) Any misdemeanor or felony for robbery as defined in chapter 570;**
 - (g) Any misdemeanor or felony for pornography or related offense as defined in chapter 573;**
 - (h) Any felony for arson as defined in chapter 569;**
 - (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;**
 - (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;**
 - (k) A felony drug-related offense committed during the preceding five years; or**
 - (l) Any similar offense in any federal, state, or other court of similar jurisdiction of which the department has knowledge.**

12. Any person aggrieved by a decision of the department shall have the right to seek an administrative review. The review shall be filed with the department within fourteen days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

13. Any required fees shall be paid by the individual applicant, facility, or agency.

14. The department is authorized to promulgate rules, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section, shall be invalid and void.

210.1250. Sections 210.1250 to 210.1286 shall be known and may be cited as the “Residential Care Facility Notification Act”.

210.1253. As used in sections 210.1250 to 210.1286, unless the context clearly provides otherwise, the following terms mean:

(1) “Child”, a person who is under eighteen years of age;

(2) “Department”, the department of social services, or the children’s division within the department of social services, as determined by the department;

(3) “Director”, a person who is responsible for the operation of the residential care facility;

(4) “Exempt-from-licensure” or “license-exempt”, a residential care facility that is not required to be licensed under section 210.516;

(5) “Person”, an individual, partnership, organization, association, or corporation;

(6) “Residential care facility”, any place, facility, or home operated by any person who receives children who are not related to the operator and whose parent or guardian is not a resident of the same facility and that provides such children with supervision, care, lodging, and maintenance for twenty-four hours a day, with or without transfer of custody.

210.1256. 1. The department shall be the notification agency for all license-exempt residential care facilities, and the department shall fulfill the duties and responsibilities of the provisions of sections 210.1250 to 210.1286.

2. A residential care facility shall allow parents or guardians of children in the residential care facility unencumbered access to the children in the residential care facility without requiring prior notification to the residential care facility.

3. A residential care facility shall provide for adequate food, clothing, shelter, medical care, and other care necessary to provide for the child’s physical, mental, or emotional health or development.

210.1259. 1. The director of any residential care facility shall provide the required notification in accordance with sections 210.1250 to 210.1286 before such operator shall accept any children.

2. All residential care facilities operating on the effective date of sections 210.1250 to 210.1286 shall register accordingly within three months after the effective date of sections 210.1250 to 210.1286.

3. The provisions of sections 210.1250 to 210.1286 shall not apply to any residential care facility that is already licensed so long as the license, registration, or monitoring under which such facility

already operates requires of that facility all requirements provided under sections 210.1250 to 210.1286.

210.1262. The notification shall be filed by the director or his or her designee of the residential care facility to the department on forms provided by the department and shall contain the following information:

- (1) Name, street address, mailing address, and phone number of the residential care facility;
- (2) Name of the director, owner, operator, all staff members, volunteers, and any individual eighteen years of age or older who resides at or on the property of the residential care facility;
- (3) Name and description of the agency or organization operating the residential care facility, including a statement as to whether the agency or organization is incorporated;
- (4) Name and address of the sponsoring organization of the residential care facility, if applicable;
- (5) School or schools attended by the children served by the residential care facility;
- (6) Fire and safety inspection certificate;
- (7) Local health department inspection certificate; and
- (8) Proof that medical records are maintained for each child.

210.1263. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of such residential care facility; and owners of such residential care facilities who will have access to the facilities shall undergo background checks under section 210.493.

210.1264. Upon request by the department or a law enforcement officer acting within the scope of his or her employment, any license-exempt residential care facility subject to the notification requirements of sections 210.1250 to 210.1286 shall provide a full census and demographic information of children at the residential care facility, including parental or other guardian contact information and a full list of officers, managers, contractors, volunteers with access to children, employees, and other support staff of the residential care facility; any person eighteen years of age or older who resides at or on the property of the residential care facility; and any person who has unsupervised contact with a resident of the residential care facility.

210.1265. The residential care facility shall comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance.

210.1268. When the department is advised or has reason to believe that any residential care facility is operating without proper notification in accordance with sections 210.1250 to 210.1286, it shall give the director of the residential care facility written notice by certified mail that such person shall file notification in accordance with sections 210.1250 to 210.1286 within thirty days after receipt of such notice, or the department may request a court injunction as provided under section 210.1271.

210.1271. 1. Notwithstanding any other remedy, the department, the prosecuting attorney of the county where the facility is located, or the attorney general may seek injunctive relief to cease the

operation of the residential care facility and provide for the appropriate removal of the children from the residential care facility and placement in the custody of the parent or legal guardian or any other appropriate individual or entity in the discretion of the court, or refer the matter to the juvenile officer of the appropriate county for appropriate proceedings under chapter 211. Such action shall be brought in the circuit court of the county in which such residential care facility is located and shall be initiated only for the following violations:

(1) Providing supervision, care, lodging, or maintenance for any children in such facility without filing notification in accordance with sections 210.1250 to 210.1286;

(2) Failing to satisfactorily comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance and required under section 210.252;

(3) Failing to comply with background checks as required by section 210.493; or

(4) An immediate health, safety, or welfare concern for the children at the residential care facility.

2. The department may notify the attorney general of any case in which the department makes a referral to a juvenile officer for removal of a child from a residential care facility. The notification shall include any violations under subsection 1 of this section.

3. If the court refers the matter to a juvenile officer, the court may also enter an order placing a child in the emergency, temporary protective custody of the children's division within the department, as provided under this section, for a period of time not to exceed five days. Such placement shall occur only if the children's division certifies to the court that the children's division has a suitable, temporary placement for the child and the court makes specific, written findings that:

(1) It is contrary to the welfare of the child to remain in the residential care facility;

(2) That the parent or legal guardian is unable or unwilling to take physical custody of the child within that time; and

(3) There is no other temporary, suitable placement for the child.

If the parent or legal guardian of the child does not make suitable arrangements for the custody and disposition of the child within five days of placement within the children's division, the child shall fall under the original and exclusive jurisdiction of the juvenile court under subdivision (1) or (2) of subsection 1 of section 211.031 and the juvenile officer shall file a petition with the juvenile court for further proceedings. Under no circumstances shall the children's division be required to retain care and custody of the child for more than five days without an order from the juvenile court.

4. The provisions of sections 452.700 to 452.930 shall apply and the court shall follow the procedures specified under section 452.755 for children who are placed at a residential care facility and who are from another state or country or are under the jurisdiction or authority of a court from another state.

210.1274. Nothing in the statutes of Missouri shall give any governmental agency jurisdiction or authority to regulate or attempt to regulate, control, or influence the form, manner, or content of the religious curriculum, program, or ministry of a school or of a facility sponsored by a church or religious organization.

210.1280. The department shall maintain a list of all residential care facilities in compliance with

sections 210.1250 to 210.1286, and the list shall be provided upon request. The list shall also include information regarding how a person may obtain information about the nature and disposition of any substantiated child abuse or neglect reports at or related to the residential care facility, as provided in section 210.150.

210.1283. A person is guilty of a class B misdemeanor if such person subject to background check requirements knowingly fails to complete a background check, as described under sections 210.493 and 210.1263.

210.1286. The department shall promulgate rules and regulations necessary for the implementation of sections 210.1250 to 210.1286. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of sections 210.1250 to 210.1286 shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 15

Amend House Amendment No. 15 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number “26,” the following:

“Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

“506.450. 1. A peace officer, as defined under section 590.010, who, under color of law, deprives any individual of his or her constitutional rights shall be liable to such individual for legal or equitable relief or any other appropriate relief.

2. (1) Statutory immunities and statutory limitations on liability, damages, or attorney fees shall not apply to claims brought under this section.

(2) Qualified immunity shall not be a defense to liability under this section.

3. In any action brought under this section, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff’s suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation. If a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.

4. Notwithstanding any other provision of law, a peace officer’s employer shall indemnify its peace officers for any liability incurred by the peace officer and for any judgment or settlement entered against the peace officer for claims arising under this section; except that, if the peace officer was shown by clear and convincing evidence to be acting outside the scope of his or her employment or to not be acting under color of law, the peace officer shall be personally liable and shall not be indemnified by the peace officer’s employer for more than five percent of the judgment or settlement or twenty-five thousand dollars, whichever is less. Notwithstanding any provision of this section, if

the peace officer's portion of the judgment is uncollectable from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. A public entity is not required to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises.

5. A civil action under this section shall be commenced within two years after the cause of action accrues.”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 3, Section 557.045, Line 26, by inserting after said section and line the following:

“565.058. 1. Any special victim as defined under section 565.002 shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

2. Any special victim as defined under section 565.002 may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.”; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

“574.203. 1. Except as otherwise protected by state or federal law, a person, excluding any person who is developmentally disabled as defined in section 630.005, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by:

(1) Causing a peace disturbance while inside a health care facility;

(2) Refusing an order to vacate a health care facility when requested to by any employee of the health care facility;

(3) Threatening to inflict injury on the patients or employees, or damage to the property of a health care facility.

2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, “health care facility” means a hospital that provides health care services directly to patients.

574.204. 1. Except as otherwise protected by state or federal law, a person commits the offense of

interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance.

2. The offense of interference with an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

3. As used in this section, “ambulance service” means a person or entity that provides emergency or nonemergency ambulance transportation and services, or both.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 16

Amend House Amendment No. 16 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 15, by inserting after all of said line the following:

“Further amend said bill, Page 2, Section 557.045, Line 15, by inserting after all said section and line the following:

“571.020. 1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A gas gun;

(4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

(5) [Knuckles; or

(6)] Any of the following in violation of federal law:

(a) A machine gun;

(b) A short-barreled rifle or shotgun;

(c) A firearm silencer; or

(d) A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to [(5)] (4) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

(1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization

enumerated in subdivision (1) of this [section] **subsection**; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. An offense pursuant to subdivision (1), (2), (3) or [(6)] **(5)** of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) [or (5)] of subsection 1 of this section is a class A misdemeanor.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms **or knuckles** into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school

facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm **or knuckles** in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred

dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Section 67.030, Line 14, by inserting after said section and line the following:

“67.494. 1. The general assembly hereby occupies and preempts the entire field of legislation regarding in any way the regulation of physical security measures around private property to the complete exclusion of any order, ordinance, policy, or regulation by any village; town; city, including any home rule city; or county in this state. Any existing or future order, ordinance, policy, or regulation in this field is or shall be null and void.

2. Nothing in this section shall prohibit a village, town, city, or county from regulating:

- (1) The aesthetics of physical security measures;**
- (2) Access to the public right-of-way, a sidewalk, or utility easement;**
- (3) The structural soundness of physical security measures; or**
- (4) Changes to the drainage of a property.**

3. Physical security measures shall have a means to enter the property so that law enforcement and first responders are able to access the property in an emergency.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

“302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through

authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court [will] **may** order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court [shall] **may** notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the [bureau of safety responsibility,] department of revenue[,] shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this [section] **subsection.**

2. The provisions of subsection 1 of this section shall not apply to minor traffic violations as defined in section 479.350; **however, minor traffic violations shall be subject to subsection 3 of this section.**

3. If a Missouri resident charged with a minor traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on two return dates, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall, within ten days of the failure to comply, inform the defendant by ordinary mail at the last address shown on the court records that the court may order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court may notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the department of revenue shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this subsection.

4. Where a defendant is charged exclusively with minor traffic violations, as such term is defined in section 479.350, any suspension under this section shall be accompanied by issuance from the director of revenue of limited driving privileges for all purposes identified under subdivision (2) of subsection 3 of section 302.309, unless the director finds the defendant is ineligible for such privileges under the provisions of section 302.309.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 18

Amend House Amendment No. 18 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Line 15, by inserting after all of said line the following:

“Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said line and section the following:

“610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223, 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;

(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;

(10) Any violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and

(11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) At the time the petition is filed, it has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. **For purposes of 18 U.S.C. 921(a)(3)(B)(ii), an order of expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.** Except

as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 or permit issued under chapter 571;

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The “prevailing factor” is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. “Loss of hearing due to industrial noise” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. “Harmful noise” means sound capable of producing occupational deafness.

5. “Radiation disability” is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department or paid peace officers of a police department who are certified under chapter 590 if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

9. Posttraumatic stress disorder (PTSD) is recognized as an occupational disease for purposes of this chapter when diagnosed in a first responder, as that term is defined under section 67.145.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 19

Amend House Amendment No. 19 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 17, Line 22, by deleting said line and inserting in lieu thereof the following:

“281.115 or regulations issued thereunder, shall nevertheless be unlawful.

313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) “Adjusted gross receipts”, the gross receipts from licensed gambling games and devices less

winnings paid to wagerers;

(2) “Applicant”, any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) “Bank”, the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) “Capital, cultural, and special law enforcement purpose expenditures” shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) “Commission”, the Missouri gaming commission;

(7) “Credit instrument”, a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person’s banking account in an amount determined under section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

(8) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(9) “Excursion gambling boat”, a boat, ferry [or] , other floating facility, **or any nonfloating facility** licensed by the commission on which gambling games are allowed;

(10) “Fiscal year” [shall for the purposes of subsections 3 and 4 of section 313.820 mean] , the fiscal year of a home dock city or county;

(11) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

(12) “Gambling excursion”, the time during which gambling games may be operated on an excursion

gambling boat whether docked or during a cruise;

(13) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

(14) “Games of chance”, any gambling game in which the player’s expected return is not favorably increased by [his or her] **the player’s** reason, foresight, dexterity, sagacity, design, information or strategy;

(15) “Games of skill”, any gambling game in which there is an opportunity for the player to use [his or her] **the player’s** reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player’s expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold’em”, “double down stud”, and any video representation of such games;

(16) “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

(17) “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

(18) “Licensee”, any person licensed under sections 313.800 to 313.850;

(19) “Mississippi River” and “Missouri River”, the water, bed and banks of those rivers, including any space filled **wholly or partially** by the water of those rivers [for docking purposes] in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(20) “Nonfloating facility”, **any structure within one thousand feet of the Missouri or Mississippi River that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers or structures;**

(21) “Supplier”, a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. (1) In addition to the games of skill defined in this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant’s or licensee’s home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing [his or her] **the petitioner’s** case by a preponderance of evidence including:

[(1)] (a) Is it in the best interest of gaming to allow the game; and

[(2)] (b) Is the gambling game a game of chance or a game of skill?

(2) All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially

noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions, provided that the commission shall not establish any regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses,

when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) [Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812.] The commission shall base its decision to [allow continuously docked] **license** excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. [In addition,] The commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for [continuous-docking] excursion gambling **boats** that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning [the possibility of continuous docking, as described in subdivision (15) of this section,] **the transition from a boat, barge, or floating facility to a nonfloating facility** within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The

commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

313.812. 1. **(1)** The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate [and] **or** dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

[(1)] **(a)** The recommended number of licensed excursion gambling boats operating in such city or county;

[(2)] **(b)** The recommended licensee or licensees operating in such city or county;

[(3)] **(c)** The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;

[(4)] **(d)** The city or county proposed sharing of revenue with any other municipality;

[(5)] **(e)** Any other information such city or county deems necessary; and

[(6)] **(f)** Any other information the commission may determine is necessary.

(2) The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme

gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and, **if applicable**, the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established the applicant's good reputation and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. Except as provided in section 313.817, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, other than a credit instrument, [must] **shall** be deposited within twenty-four hours. Except for any credit instrument, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. (1) Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent

of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition.

(2) The question shall be submitted in substantially the following form:

Shall the City (County) of _____ allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES

☐ NO

(3) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by [himself] **such person** or [his] **such person's** agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;
 - (3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;
 - (4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;
 - (5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;
 - (6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;
 - (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;
 - (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;
 - (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.”; and”; and
- Further amend said amendment and page, Line 30, by deleting the word “July” and inserting in lieu thereof the word “January”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

“281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[, hereafter referred to as the “director”].

281.020. As used in sections 281.010 to 281.115, the following terms mean:

- (1) “Animal”, all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;
- (2) “Applicator, operator or technician”:
 - (a) **“Certified applicator”, any certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;**
 - (b) **“Certified commercial applicator”, any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [or] determine the need for the use of, or supervise the determination of need for any pesticide,**

whether classified for restricted use or for general use, while [he] **the individual** is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;

[(b)] (c) “Certified noncommercial applicator”, any individual, whether or not [he] **the individual** is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [him] **the individual** or [his] **the individual’s** employer;

[(c)] (d) “Certified private applicator”, any individual who is certified by the director as authorized to use[, or to supervise the use of,] any pesticide [which] **that** is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [him] **the individual** or [his] **the individual’s** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, on the property of another person];

[(d)] (e) “Certified provisional private applicator”, any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual’s immediate family member, as long as the following requirements are met:

- a. The restricted use pesticide is not a fumigant;
- b. The restricted use pesticide does not contain sodium cyanide or sodium fluoroacetate;
- c. The individual does not apply any restricted use pesticide using aerial application equipment;
- d. The individual does not supervise the use of any restricted use pesticide; and
- e. The individual does not purchase any restricted use pesticide;

(f) “Certified public operator”, any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of [his] **the individual’s** duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;

[(e)] (g) “Noncertified restricted use pesticide applicator”, any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public operator;

(h) “Private applicator”, any person not holding a certified private applicator’s license **or certified provisional private applicator’s license** who [shall be required to obtain a permit for the use of any restricted use pesticide] **uses general use pesticides or minimum risk pesticides** for the purposes of producing any agricultural commodity on property owned or rented by [him] **the person** or [his] **the person’s** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of that pesticide];

[(f)] (i) “Pesticide technician”, any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of [this chapter] **sections 281.010 to 281.115**, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

[(g)] (j) “Pesticide technician trainee”, any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician’s license;

(3) “Beneficial insects”, those insects [which] **that**, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) “Defoliant”, any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) **“Department” or “department of agriculture”, the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;**

(6) “Desiccant”, any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

[(6)] (7) “Determining the need for the use of any pesticide”, the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

[(7)] (8) “Device”, any instrument or contrivance, other than a firearm, [which] **that** is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) **“Director”, the director of the department of agriculture or the director’s designee;**

(10) **“Distribute”, to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;**

[(8)] (11) “Environment” includes, **but is not limited to**, water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] **that** exist among these;

[(9)] (12) “Equipment” [means] , any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

[(10)] (13) “Fungus”, any nonchlorophyll-bearing thallophyte, [that] **which** is[,] any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, **such as**[,] for example,] rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) **“General use pesticide”, any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or**

in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;

(15) “Immediate family”, familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. As used in this subdivision, “first cousin” means the child of a parent’s sibling, i.e., the child of an aunt or uncle;

[(11)] **(16) “Individual”, any responsible, natural human being;**

[(12)] **(17) “Insect”, any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, **such** as[, for example,] beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, **such** as[, for example,] spiders, mites, ticks, centipedes, and wood lice;**

[(13)] **(18) “Land”, all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;**

(19) “Minimum risk pesticide”, any pesticide product exempted under 40 C.F.R. 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[(14)] **(20) “Misuse of a pesticide”, a use of any [registered] pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;**

[(15)] **(21) “Nematode”, invertebrate animals of the phylum Nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;**

(22) “Nontarget organism”, any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[(16)] **(23) “Person”, any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;**

[(17)] **(24) “Pest”:**

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, [which] **that** is normally considered to be a pest;

[(18)] **(25) “Pesticide”:**

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

[(19)] **(26)** “Pesticide dealer”, any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) “Pesticide dealership”, any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

[(20)] **(28)** “Plant regulator”, any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term “plant regulator” does not include any of those nutrient mixtures or soil amendments [which] **that** are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and [which] **that** are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

[(21)] “Private applicator permit”, a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of such pesticide;

(22)] **(29)** “Restricted use pesticide” or **“RUP”**, any pesticide when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

[(23)] **(30)** “Sale”, selling or offering for sale any pesticide;

[(24)] **(31)** “Snails” or “slugs” includes all harmful mollusks;

[(25)] **(32)** “Unreasonable adverse effects on the environment”, any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

[(26)] **(33)** “Under the direct supervision of a certified applicator”, when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

[(27)] **(34)** “Use”, mixing, **loading, or** applying[, storing or disposing of a] **any pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment wash waters, or other pesticide-containing materials;**

[(28)] **(35)** “Weed”, any plant [which] **that** grows where not wanted; [and

(29)] **(36)** “Wildlife”, all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and

shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors [which] **that** the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if [he] **the director** finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. [The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides [which] **that** have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator[, or a private applicator with a permit]. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. 1. The director may, by regulation, classify [certified applicator, operator or technician] licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators [or], pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if [he] **the individual** is certified in one or all of the certification categories provided under the license for which [he] **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. 1. No individual shall engage in the business of determining the need for the use of, supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless [he or she] **the certified commercial applicator** has demonstrated [his or her] **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any **general use pesticide or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use pesticide or minimum risk pesticide** by an individual operating under [his or her] **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [working] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.**

3. Application for a certified commercial applicator's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications [he or she] **the applicant** had applied for, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] 5. The director may renew any certified commercial applicator's license under the classification for

which such applicant is licensed, [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case [said] **the** license shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain [restricted use] pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director shall require each certified commercial applicator or [his or her] **the certified commercial applicator's** employer to maintain records with respect to applications of any pesticide, **including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators.** Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] **the certified commercial applicator's** employer.

[7.] **8.** A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] **such person's or individual's** sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] **such person's or individual's** sole certified commercial applicator.

[8.] **9.** Every certified commercial applicator shall display [his or her] **the certified commercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9.] **10.** Every certified commercial applicator who changes the address from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045[, or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040] shall not use, or supervise the use of, any [restricted-use] **restricted use** pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted

use pesticide for any purpose unless [he or she] **the certified noncommercial applicator** has demonstrated [his or her] **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

3. Application for a certified noncommercial applicator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he or she] **the applicant** has applied, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] **the applicant** is certified. The license shall expire one year from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] 6. The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to apply pesticides safely and properly.

[6.] 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

[7.] 8. Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by [himself or herself] **the certified noncommercial applicator** or [his or her] **the certified noncommercial applicator's** employer.

[8.] 9. The director shall require the certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer to maintain records with respect to applications of restricted use pesticides. Any relevant information [which] **that** the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a

copy of such records by any certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[9.] **10.** Every certified noncommercial applicator shall display [his or her] **the certified noncommercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator; that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified noncommercial applicator who changes the address from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. [After July 1, 1990,] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of **or use any general use** pesticide [nor use any] **or minimum risk** pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] **sections 281.010 to 281.115.**

2. Application for a pesticide technician's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department.** Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] **the applicant's** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any [restricted-use] **restricted use** pesticide unless [he] **the private applicator** first complies with the requirements determined pursuant to subsection [2 or 5] **3** of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.

3. The private applicator shall qualify for a certified private applicator's license or a certified provisional private applicator's license by [either] attending [a course or completing an online course of instruction] an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination provided by the director on the use, handling, storage, and application of [restricted-use] restricted use pesticides in the proper certification categories as specified by regulation. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] certification training program, completion of the online certification training program, or passage of the required private applicator certification examination, the director shall issue a certified private applicator's license or certified provisional private applicator's license to the applicant. The director shall not collect a fee for the issuance of such license[, but the] . University of Missouri Extension [service may] shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online. [However, no fee] Such fees shall be assessed [or collected from an individual completing an online course of instruction. Both the director of the department and of the University of Missouri Extension service shall review such costs annually.] based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such committee shall be provided revenue and expense information for the training program from the University of Missouri Extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time limit for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the House of Representatives and Senate agriculture or equivalent committees. The review committee shall be composed of five members including:

(1) The director;

(2) The director of the University of Missouri Extension, or such director's designee;

(3) The president of a statewide corn producers organization who actively grows corn, or such president's designee;

(4) The president of a statewide soybean producers organization who actively grows soybeans, or

such president's designee; and

(5) The president of the state's largest general farm membership organization, or such president's designee.

[3.] 4. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.] **upon successful completion of approved recertification training or by passing the required private applicator certification examination.**

5. On the date of the certified provisional private applicator's eighteenth birthday, such certified provisional private applicator's license shall automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may be renewed as a certified private applicator's license without charge or additional fee.

[4.] 6. If the director does not qualify the private applicator under this section [he] , **the director** shall inform the applicant in writing of the reasons therefor.

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] **the certified public operator** has demonstrated [his] **the certified public operator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. [Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]

3. **No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.**

4. Application for a certified public operator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include all information prescribed by the director by regulation.

[4.] **5.** The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he] **the applicant** has applied, and [his] **the applicant's** knowledge of the standards prescribed by regulations for the certification of public operators.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which [he] **the applicant** has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] **the operator's** employment. A certified public operator license shall expire three years from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director may renew any certified public operator license under the classification for which that applicant is licensed[, subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] **8.** The director shall require the certified public operator, or [his] **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] **the certified public operator's** employer.

[8.] **9.** Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] **10.** Every certified public operator shall display [his] **the certified public operator's** license in a prominent place at the site, location, or office from which [he] **the certified public operator** will operate as a certified public operator, that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified public operator who changes the address from which [he] **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

281.048. 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

2. No individual shall use restricted use pesticides while working under the direct supervision of a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator, that place, location, or office being at the address printed on the license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless [he or she] **the individual** has obtained a license from the director [which] **that** shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each **pesticide dealership** location or outlet from which [such] **restricted use** pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user[. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] **shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, "selling or holding and offering for sale" shall not include solely transporting product in commerce. No individual shall be issued more than**

one pesticide dealer license.

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the [director's office] **department**. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] **the applicator's** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] **that** provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] **the applicant's** knowledge of the laws and regulations governing the use and sale of pesticides and [his or her] **the applicant's** responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for insuring that all of [his or her] **the dealer's** employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] **the dealer** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away, or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial applicators [or] , certified public operators**, or to **certified private applicators [who have met the requirements of subsection 5 of section 281.040,] holding valid certifications in proper certification categories** or to other **licensed pesticide dealers**, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or [his or her] **the dealer's** employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] **the dealer's** employer.

7. Every licensed pesticide dealer who changes [his or her] **the dealer's** address or place of business shall immediately notify the director.

281.055. 1. If the [application for] renewal of any license[,] **or certification [or permit]** provided for in [this chapter] **sections 281.010 to 281.115** is not filed prior to **the** expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] **or certification [or permit]** shall be renewed[; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] **or certification [or permit]** may renew the license[,] **or certification [or permit]** for the next year without taking another examination unless the director determines that additional knowledge related to classifications for

which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then] , **the license shall be cancelled and** the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[,] a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for [said] **the** publication.

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license[, permit,] or certification issued under sections 281.010 to 281.115, if [he] **the director** finds that the applicant or the holder of a license[, permit,] or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in [another] **this state or in any** state or protectorate of the United States, or has had a pesticide applicator license[, or certificate [or permit] denied, suspended, revoked or modified by [another] **any** state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under [this chapter] **sections 281.010 to 281.115**, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. **Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] **person** is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and compel the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[, or certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] **pesticide use by** the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall

be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director [or his or her designee] at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten [working] days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in [his or her] **the bond- or policyholder's** application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel [his or her] **the bond- or policyholder** license, or deny the license of an applicant, and give [him or her] **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages [which] **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that [he] **the person** has been damaged. Damage statements shall be filed

within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and [he] **the director** shall make [his] **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and [his] **the licensee's** representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a license [or permit] issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by [him] **the director**:

(1) Examine, or cause to be examined, under oath, any person;

(2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;

(3) Hear such testimony and take such evidence as will assist [him] **the director** in the discharge of [his] **the director's** duties under [this chapter] **sections 281.010 to 281.115**;

(4) Administer or cause to be administered [oath] **oaths**; and

(5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. [1.] The director may issue a [license or] **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed [or] **as a certified [in another state substantially] applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued** in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [must] **shall** be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or pesticide containers in such a manner **that is inconsistent with label directions or** as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual] **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, [to] **cause to use**, use, or [to] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the** Missouri pesticide use act or **the** Missouri pesticide registration act;

(2) It shall be unlawful for any [individual] **person** to misuse any pesticide;

(3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) **It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;**

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use, or misuse of any pesticide;

[(4)] (6) It shall be unlawful to make any false or misleading statement on any application, form, or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[(5)] (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim, through any media, [which] **that** misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

[(6)] (8) It shall be unlawful to make any false or misleading statement specifying[,] or inferring that a person or [his] **the person's** methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[(7)] (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder; **and**

(10) **It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or to aid or abet any person in stealing or attempting to steal examinations or examination materials, cheating on examinations, or evading recertification or retraining requirements.**

3. Other acts [which] that are not specified, but [which] **that** violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.”; and

Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and line the following:

“Section B. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of section A of this act and the enactment of section 281.048 of section A of this act shall become effective on July 1, 2024.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

“190.307. 1. No public agency or public safety agency, nor any officer, agent or employee of any public agency, shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system required by sections 190.300 to 190.340.

2. No person who gives emergency instructions through a system established pursuant to sections 190.300 to 190.340 to persons rendering services in an emergency at another location, nor any persons following such instructions in rendering such services, shall be liable for any civil damages as a result of issuing or following the instructions, unless issuing or following the instructions constitutes willful and wanton misconduct, or gross negligence.

3. Nothing in this section shall be deemed to abrogate any immunity that would exist in the absence of this section including, but not limited to, sovereign immunity, official immunity, or the public duty doctrine.”; and

Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and line the following:

“650.335. 1. **(1)** Any county or any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants, when the prepaid wireless emergency telephone service charge is collected in the county or city, may submit an application for loan funds or other financial assistance to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911 communications service project. **If a county has an elected emergency services board, the elected emergency service board shall be eligible for loan funds or other financial assistance under this section.**

(2) The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the board.

(3) This section shall not preclude any applicant or borrower from joining in a cooperative project with any other political subdivision or with any state or federal agency or entity in a 911 communications service

project, provided that all other requirements of this section have been met.

2. Applications may be approved for loans only in those instances where the applicant has furnished the board information satisfactory to assure that the project cost will be recovered during the repayment period of the loan. In no case shall a loan be made to an applicant unless the approval of the governing body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable. Repayment periods are to be determined by the board.

3. The board shall approve or disapprove all applications for loans which are sent by certified or registered mail or hand delivered and received by the board upon a schedule as determined by the board.

4. Each applicant to whom a loan has been made under this section shall repay such loan, with interest. The rate of interest shall be the rate required by the board. The number, amounts, and timing of the payments shall be as determined by the board.

5. Any applicant who receives a loan under this section shall annually budget an amount which is at least sufficient to make the payments required under this section.

6. Repayment of principal and interest on loans shall be credited to the Missouri 911 service trust fund established under section 190.420.

7. If a loan recipient fails to remit a payment to the board in accordance with this section within sixty days of the due date of such payment, the board shall notify the director of the department of revenue to deduct such payment amount from first, the prepaid wireless emergency telephone service charge remitted to the county or city under section 190.460; and if insufficient to affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust fund and credited to the loan recipient.

8. All applicants having received loans under this section shall remit the payments required by subsection 4 of this section to the board or such other entity as may be directed by the board. The board or such other entity shall immediately deposit such payments in the Missouri 911 service trust fund.

9. Loans made under this section shall be used only for the purposes specified in an approved application or loan agreement. In the event the board determines that loan funds have been expended for purposes other than those specified in an approved application or loan agreement or any event of default of the loan agreement occurs without resolution, the board shall take appropriate actions to obtain the return of the full amount of the loan and all moneys duly owed or other available remedies.

10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a payment is due, the board may initiate collection or other appropriate action through the provisions outlined in subsection 7 of this section, if applicable.

11. If the borrower is an entity not covered under the collection procedures established in this section, the board, with the advice and consent of the attorney general, may initiate collection procedures or other appropriate action pursuant to applicable law.

12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure made or the computation of any payments made.

13. The board shall not approve any application made under this section if the applicant has failed to return the board's annual survey of public safety answering points as required by the board under section

650.330.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

“217.689. Notwithstanding any law to the contrary, any offender sentenced prior to January 1, 2017, under subsection 2 or 3 of section 195.295 or under section 195.296 shall be eligible for parole after having served ten years of such sentence if the board determines that there is a strong and reasonable probability that the offender will not thereafter violate the law. This section shall not apply to any offender who is also serving a sentence for an offense under a section other than section 195.295 or 195.296.

311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, except as otherwise provided under subsection 7 of this section, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five years have passed since the revocation as provided under subsection 6 of this section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under subsections 6 and 7 of this section, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. [Each employer shall report the identity of any employee convicted of a felony to the division of liquor control.] The division of liquor control shall promulgate rules to enforce the provisions of this subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A “resident corporation” is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.

4. The term “financial interest” as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

5. The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the supervisor.

6. Any person whose license or permit issued under this chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five years after the date of the revocation.

7. Any person whose license or permit issued under this chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five years after the date of the revocation. The person may be issued a new license or permit at the discretion of the division of alcohol and tobacco control. If the division denies the request for a new permit or license, the person may not submit a new application for five years from the date of the denial. If the application is approved, the person shall pay all fees required by law for the license or permit. Any person whose request for a new license or permit is denied may seek a determination by the administrative hearing commission as provided under section 311.691.

311.660. 1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; and

(10) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law.

2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit persons from participating in the sale of intoxicating liquor within the scope of their employment solely on the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and 311.193.

313.220. 1. The commission shall promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable to fully implement the mandate of the people expressed in the approval of the lottery amendment to Article III of the Missouri Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The commission shall have the authority to require a fingerprint background check on any person seeking employment or employed by the commission, any person seeking contract with or contracted to the commission and any person seeking license from or licensed by the commission. The background check shall include a check of the Missouri criminal records repository and when the commission deems it necessary to perform a nationwide criminal history check, a check of the Federal Bureau of Investigation's

criminal records file. Fingerprints shall be submitted to the Missouri criminal records repository as required. Notwithstanding the provisions of section 610.120, the commission shall have access to closed criminal history information when fingerprints are submitted. **The commission shall not prohibit a person from participating in the sale of lottery tickets solely on the basis of the person being found guilty of any criminal offense; except that, the person shall not be eligible to be a licensed lottery game retailer under subsection 2 of section 313.260.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

BILLS DELIVERED TO THE GOVERNOR

SB 189, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 368, regarding Ross D. (Dick) Burke, Jefferson City, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Wednesday, May 5, 2021.

SENATE CALENDAR

SIXTY-FIRST DAY—WEDNESDAY, MAY 5, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1202

HCS for HB 682

HB 445-McGill (Gannon)

HB 395-Reedy (Brattin)

HB 447-Wright

HCS for HB 814

HCS for HB 1358 (Eigel)

HB 1008-Hardwick

HB 764-Andrews

THIRD READING OF SENATE BILLS

SS for SB 317-May (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 349 (Koenig)
(In Fiscal Oversight)
2. HCS for HJRs 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight)
3. HCS for HB 384, with SCS (Wieland)
(In Fiscal Oversight)
4. HCS for HBs 85 & 310, with SCS
(Burlison) (In Fiscal Oversight)
5. HB 670-Houx (Moon)
6. HB 488-Hicks, with SCS (Burlison)
7. HCS#2 for HB 69, with SCS (Bean)
8. HCS for HBs 557 & 560 (White)
9. HB 578-Bromley, with SCS (Brown)
10. HB 687-Riley (Hough)
11. HB 661-Ruth (Brown)
12. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer)
13. HS for HB 297 (Rehder)
14. HB 624-Richey (Arthur)
15. HCS for HB 17 (Hegeman)
16. HCS for HB 734, with SCS (Cierpiot)
(In Fiscal Oversight)
17. HCS for HB 66 (Koenig)
18. HB 701-Black (Onder)
19. HB 139-Hudson (Burlison)
20. HB 299-Wallingford, with SCS (Eigel)
21. HS for HB 432, with SCS (White)
(In Fiscal Oversight)
22. HCS for HB 137, with SCS
(Luetkemeyer)
23. HCS for HB 228, with SCS (O’Laughlin)
24. HCS for HB 369 (Bernskoetter)
25. HCS for HJRs 23 & 38 (Eslinger)
(In Fiscal Oversight)
26. HB 554-Eggleston, with SCS
27. HCS for HB 649, with SCS
28. HCS for HB 350
29. HCS for HB 402 (Mosley)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 1-Hegeman, with SS#2 & SA 1
(pending) | SB 62-Williams, with SCS |
| SB 3-Hegeman | SB 65-Rehder, with SCS |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 74-Bean, with SCS |
| SB 10-Schatz, with SS (pending) | SB 92-Riddle, with SCS |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 94-Onder with SS, SA1 to SS & SA 1 to
SA 1 (pending) |
| SB 24-Eigel, with SS#2 (pending) | SB 95-Onder, with SCS |
| SB 30-Cierpiot | SB 96-Hoskins, with SCS |
| SB 39-Burlison, with SS (pending) | SB 98-Hoskins, with SCS (pending) |
| SB 47-Hough | SB 100-Koenig, with SCS |
| SB 54-O’Laughlin, with SCS | SB 105-Crawford, with SCS |
| SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending) | SB 114-Bernskoetter |
| | SB 123-Hough, with SS & SA 2 (pending) |

SB 131-Luetkemeyer	SB 334-Bernskoetter
SB 132-O’Laughlin, with SCS	SB 343-Brown
SB 134-O’Laughlin and Cierpiot	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 137-Brattin	SB 360-Wieland, with SCS
SB 138-Brattin, with SCS	SB 361-Wieland
SB 139-Bean	SB 369-White
SB 149-Onder	SB 370-Brown
SB 163-Cierpiot	SB 372-Riddle
SB 168-Burlison	SB 375-Eigel
SB 169-Burlison	SB 383-Moon
SB 174-Hough, with SCS	SB 390-Luetkemeyer
SB 179-Luetkemeyer	SB 399-Eigel
SB 182-O’Laughlin	SB 400-Onder, with SCS
SB 183-O’Laughlin	SB 404-Riddle
SB 184-Bean, with SCS	SB 408-Wieland
SB 195-Koenig	SB 434-Washington
SB 198-Eigel, with SCS	SB 437-Hoskins
SB 204-Cierpiot, with SCS	SB 459-Brattin, with SCS
SB 206-Arthur	SB 465-Hoskins, with SCS
SB 218-Luetkemeyer, with SCS	SB 466-Hoskins, with SCS
SB 227-Arthur	SB 473-Brown
SB 236-Hough, with SCS	SB 481-Hough, et al
SB 244-Onder	SB 506-Bean
SB 253-Hegeman	SB 529-Cierpiot
SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)	SB 547-Hoskins, with SCS
SB 255-Riddle	SB 561-Gannon
SB 265-Eslinger	SB 562-Schupp
SB 282-Hegeman, with SCS	SB 577-Riddle, with SCS
SB 287-Crawford	SB 582-Eslinger
SB 291-Brown	SB 604-Koenig, with SCS
SB 295-Crawford, with SCS	SJR 2-Onder, with SCS
SB 301-Bernskoetter, with SCS & SA 1 (pending)	SJR 4-Koenig
SB 306-Bernskoetter, with SCS	SJR 7-Eigel
SB 313-Eigel	SJR 12-Luetkemeyer
SB 316-Hough	SJR 16-Eslinger
SB 318-May, with SCS	

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS,
SA 1 & SA 2 to SA 1 (pending)
(Luetkemeyer)
HCS#2 for HB 75 (Onder)
HB 249-Ruth (Wieland)
HB 333-Simmons (Onder)
HCS for HB 529, with SCS & SS for SCS
(pending) (Hoskins)

HB 542-Shields (Burlison)
HB 604-Gregory (51), with SCS (Crawford)
HB 657-Trent, with SCS (Hough)
HB 850-Wiemann (Eigel)
HB 948-Francis, with SCS (Hoskins)
HCS for HBs 1083, 1085, 1050, 1035, 1036,
873 & 1097, with SS & SA 1
(pending) (Bernskoetter)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)
HB 202-McGill (Gannon)
HB 404-Aldridge (May)
HB 449-Tate (Gannon)
HB 522-Windham (Williams)

HB 640-Morse (Bean)
HB 1053-Patterson (Onder)
HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SB 26-Eigel, with HCS,
as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 37-Bernskoetter, with HA 1, HA 2, HA 3,
HA 4, HA 5 & HA 6
HCS for HB 2, with SS for SCS (Hegeman)
HCS for HB 3, with SS for SCS (Hegeman)
HCS for HB 4, with SS for SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)

HCS for HB 6, with SCS (Hegeman)
HCS for HB 7, with SCS (Hegeman)
HCS for HB 8, with SCS (Hegeman)
HCS for HB 9, with SCS (Hegeman)
HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 11, with SS for SCS (Hegeman)

HCS for HB 12, with SCS (Hegeman)
HCS for HB 15, with SCS (Hegeman)
HCS for HB 271, with SS#2 for SCS,
as amended (Crawford)

HB 273-Hannegan, with SS#2 for SCS,
as amended (Riddle)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY—WEDNESDAY, MAY 5, 2021

The Senate met pursuant to adjournment.

Senator Bernskoetter in the Chair.

Senator Burlison offered the following prayer:

Dear God, we thank You for the life that we have, we thank You that we are Your creation, we thank You for the breathe that you breath into mankind. We thank You that we were created in Your image, we thank You for the why, the destiny, the reason that is well beyond just simply living that You give us. You give each and everyone of us some purpose and we thank You for that. Be with this body as we continue these last few days, help us to be mindful of the people that we serve and help us to do so humbly in knowing that while we are flawed individuals, that we have something greater to aspire to, to look forward to, Your Son Jesus name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Rowden—1

Vacancies—None

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 369, regarding Rhiannon Kay Lewis, Kansas City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 370, regarding Mary Spencer, Jefferson City, which

was adopted.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 649**, with **SCS**, and **HB 554**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HCS** for **HB 271**: Senators Crawford, Bernskoetter, Rowden, Schupp and Razer.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 37**, as amended: Senators Bernskoetter, Bean, Hoskins, Beck and Razer.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 273**: Senators Riddle, Eslinger, Brattin, Arthur and Razer.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 226**, entitled:

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof two new sections relating to sales tax.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6, 7, House Amendment No. 2 to House Amendment No. 8, House Amendment No. 3 to House Amendment No. 8, and House Amendment No. 8, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 226, Page 1, In the Title, Line 2-3, by deleting the words “sales tax” and inserting in lieu thereof the word “taxation”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 226, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer’s federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer’s federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer’s federal tax liability pursuant to Public

Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171;

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations

of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; and
- (i) Livestock Gross Margin Insurance Plan; [and]

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist; **and**

(12) For taxpayers authorized to conduct business under Article XIV of the Constitution of Missouri, the amount that would have been deducted from the computation of the taxpayer's federal taxable income if such a deduction were not disallowed under 26 U.S.C. Section 280E, as in effect on January 1, 2021, because of the status of marijuana as a controlled substance under federal law.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall

provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 226, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (13) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized

to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 [and] ; twenty-six million dollars in fiscal year 2000, and [any subsequent] **each** fiscal year **ending on or before June 30, 2021; and thirty million dollars in each fiscal year beginning on or after July 1, 2021**, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding.

32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;
- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

- (a) An area that is not part of a standard metropolitan statistical area;
- (b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or
- (c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state

tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 [and], six million dollars in fiscal year 2000, **and ten million dollars in fiscal year 2022** and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed [thirty-two] **thirty-six** million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

135.341. 1. As used in this section, the following terms shall mean:

(1) "CASA", an entity which receives funding from the court-appointed special advocate fund established under section 476.777, including an association based in this state, affiliated with a national association, organized to provide support to entities receiving funding from the court-appointed special advocate fund;

(2) "Child advocacy centers", the regional child assessment centers listed in subsection 2 of section 210.001, including an association based in this state, affiliated with a national association, and organized to provide support to entities listed in subsection 2 of section 210.001;

(3) “Contribution”, the amount of donation to a qualified agency;

(4) “Crisis care center”, entities contracted with this state which provide temporary care for children whose age ranges from birth through seventeen years of age whose parents or guardian are experiencing an unexpected and unstable or serious condition that requires immediate action resulting in short-term care, usually three to five continuous, uninterrupted days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

(5) “Department”, the department of revenue;

(6) “Director”, the director of the department of revenue;

(7) “Qualified agency”, CASA, child advocacy centers, or a crisis care center;

(8) “Tax liability”, the tax due under chapter 143 other than taxes withheld under sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2013, a tax credit may be claimed in an amount equal to up to fifty percent of a verified contribution to a qualified agency and shall be named the champion for children tax credit. The minimum amount of any tax credit issued shall not be less than fifty dollars and shall be applied to taxes due under chapter 143, excluding sections 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by the agency receiving the contribution. Such contribution verification shall include the taxpayer’s name, Social Security number, amount of tax credit, amount of contribution, the name and address of the agency receiving the credit, and the date the contribution was made. The tax credit provided under this subsection shall be initially filed for the year in which the verified contribution is made.

3. The cumulative amount of the tax credits redeemed shall not exceed one million dollars for all fiscal years ending on or before June 30, 2019[, and] ; one million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019, **and ending on or before June 30, 2021; and three million dollars for all fiscal years beginning on or after July 1, 2021.** The amount available shall be equally divided among the three qualified agencies: CASA, child advocacy centers, or crisis care centers, to be used towards tax credits issued. In the event tax credits claimed under one agency do not total the allocated amount for that agency, the unused portion for that agency will be made available to the remaining agencies equally. In the event the total amount of tax credits claimed for any one agency exceeds the amount available for that agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under that agency.

4. Prior to December thirty-first of each year, each qualified agency shall apply to the department of social services in order to verify their qualified agency status. Upon a determination that the agency is eligible to be a qualified agency, the department of social services shall provide a letter of eligibility to such agency. No later than February first of each year, the department of social services shall provide a list of qualified agencies to the department of revenue. All tax credit applications to claim the champion for children tax credit shall be filed between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the champion for children tax credit by attaching a copy of the contribution verification provided by a qualified agency to such taxpayer’s income tax return.

5. Any amount of tax credit which exceeds the tax due or which is applied for and otherwise eligible for issuance but not issued shall not be refunded but may be carried over to any subsequent tax year, not to

exceed a total of five years.

6. Tax credits may not be assigned, transferred or sold.

7. (1) In the event a credit denial, due to lack of available funds, causes a balance-due notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer will not be held liable for any penalty or interest, provided the balance is paid, or approved payment arrangements have been made, within sixty days from the notice of denial.

(2) In the event the balance is not paid within sixty days from the notice of denial, the remaining balance shall be due and payable under the provisions of chapter 143.

8. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

9. Pursuant to section 23.253, of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of December 31, 2019, and shall expire on December 31, 2025, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such credits.

10. Beginning on March 29, 2013, any verified contribution to a qualified agency made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of [subsection] **subsections 3 and 4** of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project. **The amount of Missouri low-income housing tax credits allocated with respect to a qualified project shall be available to a taxpayer each year for five consecutive tax years beginning with the tax year in which a qualified project is placed into service.**

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal tax period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

3. For all fiscal years beginning on or after July 1, 2021, the aggregate amount of tax credits

authorized in a fiscal year for projects not financed through tax-exempt bond issuance shall not exceed eighty million dollars.

4. For all fiscal years ending on or before June 30, 2021, no more than six million dollars in tax credits shall be authorized each fiscal year for projects financed through tax-exempt bond issuance. For all fiscal years beginning on or after July 1, 2021, no more than two million dollars in tax credits shall be authorized each fiscal year for projects financed through tax-exempt bond issuance.

[4.] **5.** The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years or carried forward to any of the taxpayer's five subsequent taxable years.

[5.] **6.** All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

[6.] **7.** In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

[7.] **8.** The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

9. To aid in awarding credits under this section, the commission shall establish an evaluation rubric and score applicants for qualified Missouri projects against the rubric. The evaluation rubric shall include a component and score for applications that provide documentation to the commission demonstrating the applicant received competitive bids for the tax credits. The commission may authorize a preference for minority groups or women as part of a point system or rubric. The commission shall publish the rubric before it accepts applications and shall publish the scored rubric for each application.

135.365. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 135.350 to 135.363 shall automatically sunset on December thirty-first six years after August 28, 2021, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under sections 135.350 to 135.363 shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of sections 135.350 to 135.363;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 135.350 to 135.363 is sunset; and

(4) The provisions of this section shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under sections 135.350 to 135.363 expires or a taxpayer's ability to redeem such tax credits.

135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and may be cited as the "Youth Opportunities and Violence Prevention Act".

2. As used in this section, the term "taxpayer" shall include corporations as defined in section 143.441 or 143.471, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, and individuals, individual proprietorships and partnerships.

3. A taxpayer shall be allowed a tax credit against the tax otherwise due pursuant to chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147, chapter 148, or chapter 153 in an amount equal to thirty percent for property contributions and fifty percent for monetary contributions of the amount such taxpayer contributed to the programs described in subsection 5 of this section, not to exceed two hundred thousand dollars per taxable year, per taxpayer, **for each fiscal year ending on or before June 30, 2021, and five hundred thousand dollars per tax year, per taxpayer, for each fiscal year beginning on or after July 1, 2021;** except as otherwise provided in subdivision (5) of subsection 5 of this section. The department of economic development shall prescribe the method for claiming the tax credits allowed in this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

4. The tax credits allowed by this section shall be claimed by the taxpayer to offset the taxes that become due in the taxpayer's tax period in which the contribution was made. Any tax credit not used in such tax period may be carried over the next five succeeding tax periods.

5. The tax credit allowed by this section may only be claimed for monetary or property contributions to public or private programs authorized to participate pursuant to this section by the department of economic development and may be claimed for the development, establishment, implementation, operation, and expansion of the following activities and programs:

(1) An adopt-a-school program. Components of the adopt-a-school program shall include donations for school activities, seminars, and functions; school-business employment programs; and the donation of property and equipment of the corporation to the school;

(2) Expansion of programs to encourage school dropouts to reenter and complete high school or to complete a graduate equivalency degree program;

(3) Employment programs. Such programs shall initially, but not exclusively, target unemployed youth

living in poverty and youth living in areas with a high incidence of crime;

(4) New or existing youth clubs or associations;

(5) Employment/internship/apprenticeship programs in business or trades for persons less than twenty years of age, in which case the tax credit claimed pursuant to this section shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except that such credit shall not exceed ten thousand dollars per person **for each fiscal year ending on or before June 30, 2021, and twenty thousand dollars per person for each fiscal year beginning on or after July 1, 2021;**

(6) Mentor and role model programs;

(7) Drug and alcohol abuse prevention training programs for youth;

(8) Donation of property or equipment of the taxpayer to schools, including schools which primarily educate children who have been expelled from other schools, or donation of the same to municipalities, or not-for-profit corporations or other not-for-profit organizations which offer programs dedicated to youth violence prevention as authorized by the department;

(9) Not-for-profit, private or public youth activity centers;

(10) Nonviolent conflict resolution and mediation programs;

(11) Youth outreach and counseling programs.

6. Any program authorized in subsection 5 of this section shall, at least annually, submit a report to the department of economic development outlining the purpose and objectives of such program, the number of youth served, the specific activities provided pursuant to such program, the duration of such program and recorded youth attendance where applicable.

7. The department of economic development shall, at least annually submit a report to the Missouri general assembly listing the organizations participating, services offered and the number of youth served as the result of the implementation of this section.

8. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1995.

9. For the purposes of the credits described in this section, in the case of a corporation described in section 143.471, partnership, limited liability company described in section 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax liability, such credits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership;

(3) The members of the limited liability company; and

(4) Individual members of the cooperative or marketing enterprise.

Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

135.621. 1. As used in this section, the following terms mean:

(1) “Contribution”, a donation of cash, stock, bonds, other marketable securities, or real property;

(2) “Department”, the department of social services;

(3) “Diaper bank”, a nonprofit entity located in this state established and operating primarily for the purpose of collecting or purchasing disposable diapers or other hygiene products for infants, children, or incontinent adults and that regularly distributes such diapers or other hygiene products through two or more schools, health care facilities, governmental agencies, or other nonprofit entities for eventual distribution to individuals free of charge;

(4) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 148 or 153;

(5) “Taxpayer”, a person, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under chapter 143; an insurance company paying an annual tax on its gross premium receipts in this state; any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148; an express company that pays an annual tax on its gross receipts in this state under chapter 153; an individual subject to the state income tax under chapter 143; or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all fiscal years beginning on or after July 1, 2019, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the amount of such taxpayer’s contributions to a diaper bank.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next subsequent tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit that is carried over under subsection 3 of this section, no taxpayer shall be allowed to claim a tax credit unless the taxpayer contributes at least one hundred dollars to one or more diaper banks during the tax year for which the credit is claimed.

5. The department shall determine, at least annually, which entities in this state qualify as diaper banks. The department may require of an entity seeking to be classified as a diaper bank any information which is reasonably necessary to make such a determination. The department shall classify an entity as a diaper bank if such entity satisfies the definition under subsection 1 of this section.

6. The department shall establish a procedure by which a taxpayer can determine if an entity has been classified as a diaper bank.

7. Diaper banks may decline a contribution from a taxpayer.

8. The cumulative amount of tax credits that may be claimed by all the taxpayers contributing to diaper banks [in any one] **for each fiscal year ending on or before June 30, 2021**, shall not exceed five hundred thousand dollars. **The cumulative amount of tax credits that may be claimed by all the taxpayers contributing to diaper banks for each fiscal year beginning on or after July 1, 2021, shall not exceed two million dollars.** Tax credits shall be issued in the order contributions are received. If the amount of tax

credits redeemed in a tax year is less than [five hundred thousand dollars] **the cumulative amount allowed under this subsection**, the difference shall be added to the cumulative limit created under this subsection for the next fiscal year and carried over to subsequent fiscal years until claimed.

9. The department shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the department, the cumulative amount of tax credits are equally apportioned among all entities classified as diaper banks. If a diaper bank fails to use all, or some percentage to be determined by the department, of its apportioned tax credits during this predetermined period of time, the department may reapportion such unused tax credits to diaper banks that have used all, or some percentage to be determined by the department, of their apportioned tax credits during this predetermined period of time. The department may establish multiple periods each fiscal year and reapportion accordingly. To the maximum extent possible, the department shall establish the procedure described under this subsection in such a manner as to ensure that taxpayers can claim as many of the tax credits as possible, up to the cumulative limit created under subsection 8 of this section.

10. Each diaper bank shall provide information to the department concerning the identity of each taxpayer making a contribution and the amount of the contribution. The department shall provide the information to the department of revenue. The department shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2018, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.630. 1. As used in this section, the following terms mean:

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women and families with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services or by offering services as described under subsection 2 of section 188.325, to encourage and assist such women and families in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

(2) For all tax years beginning on or after January 1, 2007, and ending on or before December 31, 2020, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center. For all tax years beginning on or after January 1, 2021, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to seventy percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year **for each fiscal year ending on or before June 30, 2021, and one hundred thousand dollars per tax year for each fiscal year beginning on or after July 1, 2021.** However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next succeeding tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer’s contribution or contributions to a pregnancy resource center or centers in such taxpayer’s tax year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as

pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019, and ending on or before June 30, 2021. For all fiscal years beginning on or after July 1, 2021, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers contributing to pregnancy resource centers under the provisions of this section. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.

7. For all fiscal years ending on or before June 30, 2021, the director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. The provisions of section 23.253 shall not apply to this section.

135.647. 1. As used in this section, the following terms shall mean:

(1) “Local food pantry”, any food pantry that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Distributing emergency food supplies to Missouri low-income people who would otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit under this section resides;

(2) “Local homeless shelter”, any homeless shelter that is:

(a) Exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Providing temporary living arrangements, in the area in which the taxpayer claiming the tax credit under this section resides, for individuals and families who otherwise lack a fixed, regular, and adequate nighttime residence and lack the resources or support networks to obtain other permanent housing;

(3) “Local soup kitchen”, any soup kitchen that is:

(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(b) Providing prepared meals through an established congregate feeding operation to needy, low-income persons including, but not limited to, homeless persons in the area in which the taxpayer claiming the tax credit under this section resides;

(4) “Taxpayer”, an individual, a firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. (1) Beginning on March 29, 2013, any donation of cash or food made to a local food pantry on or after January 1, 2013, unless such food is donated after the food’s expiration date, shall be eligible for tax credits as provided by this section.

(2) Beginning on August 28, 2018, any donation of cash or food made to a local soup kitchen or local homeless shelter on or after January 1, 2018, unless such food is donated after the food’s expiration date, shall be eligible for a tax credit as provided under this section.

(3) Any taxpayer who makes a donation that is eligible for a tax credit under this section shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year that the credit is claimed and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer’s three subsequent tax years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law. No taxpayer shall be able to claim more than one credit under this section for a single donation.

3. The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry, local soup kitchen, or local homeless shelter [in any one] **for each** fiscal year **ending on or before June 30, 2021**, shall not exceed one million seven hundred fifty thousand dollars. **The cumulative amount of tax credits under this section that may be allocated to all taxpayers contributing to a local food pantry, local soup kitchen, or local homeless shelter for each fiscal year**

beginning on or after July 1, 2021, shall not exceed four million dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

4. Any local food pantry, local soup kitchen, or local homeless shelter may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry, local soup kitchen, or local homeless shelter shall be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall be reauthorized as of August 28, 2018, and shall expire on December 31, 2026, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair a taxpayer's ability to redeem tax credits authorized on or before the date the program authorized under this section expires.

135.679. 1. This section shall be known and may be cited as the "Qualified Beef Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Agricultural property", any real and personal property, including but not limited to buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in this state by residents of this state for:

(a) The operation of a farm or ranch; and

(b) Grazing, feeding, or the care of livestock;

(2) "Authority", the agricultural and small business development authority established in chapter 348;

(3) "Backgrounded", any additional weight at the time of the first qualifying sale, before being finished, above the established baseline weight;

(4) "Baseline weight", the average weight in the immediate past two years of all beef animals sold that are thirty months of age or younger, categorized by sex. Baseline weight for qualified beef animals that are

physically out-of-state but whose ownership is retained by a resident of this state shall be established by the average transfer weight in the immediate past two years of all beef animals that are thirty months of age or younger and that are transferred out-of-state but whose ownership is retained by a resident of this state, categorized by sex. The established baseline weight shall be effective for a period of three years. If the taxpayer is a qualifying beef animal producer with fewer than two years of production, the baseline weight shall be established by the available average weight in the immediate past year of all beef animals sold that are thirty months of age or younger, categorized by sex. If the qualifying beef animal producer has no previous production, the baseline weight shall be established by the authority;

(5) “Finished”, the period from backgrounded to harvest;

(6) “Qualifying beef animal”, any beef animal that is certified by the authority, that was born in this state after August 28, 2008, that was raised and backgrounded or finished in this state by the taxpayer, excluding any beef animal more than thirty months of age as verified by certified written birth records;

(7) “Qualifying sale”, the first time a qualifying beef animal is sold in this state after the qualifying beef animal is backgrounded, and a subsequent sale if the weight of the qualifying beef animal at the time of the subsequent sale is greater than the weight of the qualifying beef animal at the time of the first qualifying sale of such beef animal;

(8) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147;

(9) “Taxpayer”, any individual or entity who:

(a) Is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147;

(b) In the case of an individual, is a resident of this state as verified by a 911 address or in the absence of a 911 system, a physical address; and

(c) Owns or rents agricultural property and principal place of business is located in this state.

3. (1) For all tax years beginning on or after January 1, 2009, but ending on or before December 31, 2021, a taxpayer shall be allowed a tax credit for the first qualifying sale and for a subsequent qualifying sale of all qualifying beef animals.

(2) The tax credit amount for the first qualifying sale shall be ten cents per pound for qualifying sale weights under six hundred pounds and twenty-five cents per pound for qualifying sale weights of six hundred pounds or greater, shall be based on the backgrounded weight of all qualifying beef animals at the time of the first qualifying sale, and shall be calculated as follows:

(a) If the qualifying sale weight is under six hundred pounds, the qualifying sale weight minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight is equal to or greater than one hundred pounds above the baseline weight; or

(b) If the qualifying sale weight is six hundred pounds or greater, the qualifying sale weight minus the baseline weight multiplied by twenty-five cents, as long as the qualifying sale weight is equal to or greater than one hundred pounds above the baseline weight.

(3) The tax credit amount for each subsequent qualifying sale shall be ten cents per pound for qualifying sale weights under six hundred pounds and twenty-five cents per pound for qualifying sale weights of six

hundred pounds or greater, shall be based on the backgrounded weight of all qualifying beef animals at the time of the subsequent qualifying sale, and shall be calculated as follows:

(a) If the qualifying sale weight is under six hundred pounds, the qualifying sale weight minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight is equal to or greater than one hundred pounds above the baseline weight; or

(b) If the qualifying sale weight is six hundred pounds or greater, the qualifying sale weight minus the baseline weight multiplied by twenty-five cents, as long as the qualifying sale weight is equal to or greater than one hundred pounds above the baseline weight.

The authority may waive no more than twenty-five percent of the one-hundred-pound weight gain requirement, but any such waiver shall be based on a disaster declaration issued by the U.S. Department of Agriculture.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the tax year in which the qualifying sale of the qualifying beef occurred, but any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year may be carried forward to any of the taxpayer's four subsequent tax years. The total amount of tax credits that any taxpayer may claim shall not exceed fifteen thousand dollars per year. No taxpayer shall be allowed to claim tax credits under this section for more than three years. The amount of tax credits that may be issued to all eligible applicants claiming tax credits authorized in this section and section 135.686 [in a calendar] **for each fiscal year ending on or before June 30, 2021**, shall not exceed two million dollars. **The amount of tax credits that may be issued to all eligible applicants claiming tax credits authorized in this section and section 135.686 for each fiscal year beginning on or after July 1, 2021, shall not exceed four million dollars.** Tax credits shall be issued on an as-received application basis until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and shall not be issued in any subsequent years.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a qualified sale was made and for which a tax credit is claimed under this section. The application shall include any certified documentation and information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the qualified sale meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. Whenever a tax credit certificate is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate or the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

8. The authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

9. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

135.686. 1. This section shall be known and may be cited as the “Meat Processing Facility Investment Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Authority”, the agricultural and small business development authority established in chapter 348;

(2) “Meat processing facility”, any commercial plant, as defined under section 265.300, at which livestock are slaughtered or at which meat or meat products are processed for sale commercially and for human consumption;

(3) “Meat processing modernization or expansion”, constructing, improving, or acquiring buildings or facilities, or acquiring equipment for meat processing including the following, if used exclusively for meat processing and if acquired and placed in service in this state during tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] **2027**:

(a) Building construction including livestock handling, product intake, storage, and warehouse facilities;

(b) Building additions;

(c) Upgrades to utilities including water, electric, heat, refrigeration, freezing, and waste facilities;

(d) Livestock intake and storage equipment;

(e) Processing and manufacturing equipment including cutting equipment, mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes, motors, pumps, and valves;

(f) Packaging and handling equipment including sealing, bagging, boxing, labeling, conveying, and product movement equipment;

(g) Warehouse equipment including storage and curing racks;

(h) Waste treatment and waste management equipment including tanks, blowers, separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or industrial products;

(i) Computer software and hardware used for managing the claimant’s meat processing operation including software and hardware related to logistics, inventory management, production plant controls, and temperature monitoring controls; and

(j) Construction or expansion of retail facilities or the purchase or upgrade of retail equipment for the commercial sale of meat products if the retail facility is located at the same location as the meat processing facility;

(4) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax

imposed under sections 143.191 to 143.265, or otherwise due under chapter 147;

(5) “Taxpayer”, any individual or entity who:

(a) Is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or the tax imposed under chapter 147;

(b) In the case of an individual, is a resident of this state as verified by a 911 address or, in the absence of a 911 system, a physical address; and

(c) Owns a meat processing facility located in this state;

(6) “Used exclusively”, used to the exclusion of all other uses except for use not exceeding five percent of total use.

3. For all tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] **2027**, a taxpayer shall be allowed a tax credit for meat processing modernization or expansion related to the taxpayer’s meat processing facility. The tax credit amount shall be equal to twenty-five percent of the amount the taxpayer paid in the tax year for meat processing modernization or expansion.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the tax year in which the meat processing modernization or expansion expenses were paid, but any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year may be carried forward to any of the taxpayer’s four subsequent tax years. The total amount of tax credits that any taxpayer may claim shall not exceed seventy-five thousand dollars per year. If two or more persons own and operate the meat processing facility, each person may claim a credit under this section in proportion to his or her ownership interest; except that, the aggregate amount of the credits claimed by all persons who own and operate the meat processing facility shall not exceed seventy-five thousand dollars per year. The amount of tax credits authorized in this section and section 135.679 [in a calendar] **for each fiscal year ending on or before June 30, 2021**, shall not exceed two million dollars. **The amount of tax credits that may be issued to all eligible applicants claiming tax credits authorized in this section and section 135.679 for each fiscal year beginning on or after July 1, 2021, shall not exceed four million dollars.** Tax credits shall be issued on an as-received application basis until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and shall not be issued in any subsequent year.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a meat processing modernization or expansion project was completed and for which a tax credit is claimed under this section. The application shall include any certified documentation, proof of meat processing modernization or expansion, and any other information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the meat processing modernization or expansion meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. If a tax credit certificate is assigned, transferred, sold, or

otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate and the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall promulgate rules establishing a process for verifying that a facility's modernization or expansion for which tax credits were allowed under this section has in fact expanded the facility's production within three years of the issuance of the tax credit and if not, the authority shall promulgate through rulemaking a process by which the taxpayer shall repay the authority an amount equal to that of the tax credit allowed.

8. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

9. The authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

10. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.”; and

Further amend said bill, Page 3, Section 144.142, Line 26, by inserting after all of said section and line the following:

“348.505. 1. As used in this section, “state tax liability”, any state tax liability incurred by a taxpayer under the provisions of chapters 143, 147, and 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

2. Any eligible lender under the family farm livestock loan program under section 348.500 shall be entitled to receive a tax credit equal to one hundred percent of the amount of interest waived by the lender under section 348.500 on a qualifying loan for the first year of the loan only. The tax credit shall be evidenced by a tax credit certificate issued by the agricultural and small business development authority and may be used to satisfy the state tax liability of the owner of such certificate that becomes due in the tax year in which the interest on a qualified loan is waived by the lender under section 348.500. No lender may receive a tax credit under this section unless such person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The amount of the tax credits that may be issued to all eligible lenders claiming tax credits authorized in this section [in a] **for each fiscal year ending on or before June 30, 2021**, shall not exceed three hundred thousand dollars. **The amount of the tax credits that may be issued to all eligible lenders claiming tax credits authorized in this section for each fiscal year beginning on or after July 1, 2021, shall not exceed two million dollars.**

3. The agricultural and small business development authority shall be responsible for the administration and issuance of the certificate of tax credits authorized by this section. The authority shall issue a certificate of tax credit at the request of any lender. Each request shall include a true copy of the loan documents, the name of the lender who is to receive a certificate of tax credit, the type of state tax liability against which the tax credit is to be used, and the amount of the certificate of tax credit to be issued to the lender based

on the interest waived by the lender under section 348.500 on the loan for the first year.

4. The Missouri department of revenue shall accept a certificate of tax credit in lieu of other payment in such amount as is equal to the lesser of the amount of the tax or the remaining unused amount of the credit as indicated on the certificate of tax credit, and shall indicate on the certificate of tax credit the amount of tax thereby paid and the date of such payment.

5. The following provisions shall apply to tax credits authorized under this section:

(1) Tax credits claimed in a taxable year may be claimed on a quarterly basis and applied to the estimated quarterly tax of the lender;

(2) Any amount of tax credit which exceeds the tax due, including any estimated quarterly taxes paid by the lender under subdivision (1) of this subsection which results in an overpayment of taxes for a taxable year, shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of three years for which a tax credit may be taken for a qualified family farm livestock loan;

(3) Notwithstanding any provision of law to the contrary, a lender may assign, transfer or sell tax credits authorized under this section, with the new owner of the tax credit receiving the same rights in the tax credit as the lender. For any tax credits assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed by the lender with the authority specifying the name and address of the new owner of the tax credit and the value of such tax credit; and

(4) Notwithstanding any other provision of this section to the contrary, any commercial bank may use tax credits created under this section as provided in section 148.064 and receive a net tax credit against taxes actually paid in the amount of the first year's interest on loans made under this section. If such first year tax credits reduce taxes due as provided in section 148.064 to zero, the remaining tax credits may be carried over as otherwise provided in this section and utilized as provided in section 148.064 in subsequent years.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 226, Page 1, Section A, Line 2, by inserting after said section and line the following:

“144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of “retail sale” or “sale at retail” shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; [or]

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes;

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or

(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended[.]; **or**

(14) The purchase by a grocery store of food that is intended for resale but that cannot be resold because of theft or because the food has become spoiled and would not be safe for consumption.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 226, Page 1, Line 1, by inserting after the number “226,” the following:

“Page 1, Section A, Line 2 by inserting after all of said section and line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2020] **2027**. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any given fiscal year. There shall be no tax credits authorized under sections 135.300 to 135.311 unless an appropriation is made for such tax credits.

135.755. 1. For the purposes of this section, the following terms shall mean:

(1) “Department”, the Missouri department of revenue;

(2) “Higher ethanol blend”, a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;

(3) “Retail dealer”, a person that owns or operates a retail service station;

(4) “Retail service station”, a location from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells higher ethanol

blend at such retail dealer's retail service station shall be allowed a tax credit to be taken against the retail dealer's state income tax liability. The amount of the credit shall equal five cents per gallon of higher ethanol blend sold by the retail dealer and dispensed through metered pumps at the retail dealer's retail service station during the tax year in which the tax credit is claimed. Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall not be refundable, but may be carried forward to any of the five subsequent tax years. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed four million dollars.

3. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset on December 31, 2027, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

135.775. 1. For the purposes of this section, the following terms shall mean:

(1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel between five percent and twenty percent for on-road and off-road diesel-fueled vehicle use. Biodiesel blend shall comply with the ASTM International specification D7467-19, or the most recent specifications;

(2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the ASTM International specification D6751-19, or the most recent specification, for Biodiesel Fuel (B100) or (B99) Blend Stock for Distillate Fuels. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section, unless the palm oil is contained within waste oil and grease collected within the United States;

(3) "Department", the Missouri department of revenue;

(4) "Retail dealer", a person that owns or operates a retail service station;

(5) “Retail service station”, a location from which biodiesel blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells a biodiesel blend at a retail service station shall be allowed a tax credit to be taken against the retail dealer’s state income tax liability. The amount of the tax credit shall be as follows:

(1) Two cents per gallon of biodiesel blend of at least five percent but not more than ten percent sold by a retail dealer at a retail service station during the tax year for which the tax credit is claimed; or

(2) Five cents per gallon of biodiesel blend in excess of ten percent sold by a retail dealer at a retail service station during the tax year for which the tax credit is claimed.

Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer’s state tax liability, the difference shall be refundable. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed twenty million dollars.

3. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned equally to all eligible retail dealers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed.

4. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

5. The department may work with the division of weights and measures within the department of agriculture to validate that the biodiesel blend a retail dealer claims for the tax credit authorized under this section contains a sufficient percentage of biodiesel fuel.

6. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset on December 31, 2027, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

135.686. 1. This section shall be known and may be cited as the “Meat Processing Facility Investment Tax Credit Act”.

2. As used in this section, the following terms mean:

(1) “Authority”, the agricultural and small business development authority established in chapter 348;

(2) “Meat processing facility”, any commercial plant, as defined under section 265.300, at which livestock are slaughtered or at which meat or meat products are processed for sale commercially and for human consumption;

(3) “Meat processing modernization or expansion”, constructing, improving, or acquiring buildings or facilities, or acquiring equipment for meat processing including the following, if used exclusively for meat processing and if acquired and placed in service in this state during tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] **2027**:

(a) Building construction including livestock handling, product intake, storage, and warehouse facilities;

(b) Building additions;

(c) Upgrades to utilities including water, electric, heat, refrigeration, freezing, and waste facilities;

(d) Livestock intake and storage equipment;

(e) Processing and manufacturing equipment including cutting equipment, mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes, motors, pumps, and valves;

(f) Packaging and handling equipment including sealing, bagging, boxing, labeling, conveying, and product movement equipment;

(g) Warehouse equipment including storage and curing racks;

(h) Waste treatment and waste management equipment including tanks, blowers, separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or industrial products;

(i) Computer software and hardware used for managing the claimant’s meat processing operation including software and hardware related to logistics, inventory management, production plant controls, and temperature monitoring controls; and

(j) Construction or expansion of retail facilities or the purchase or upgrade of retail equipment for the commercial sale of meat products if the retail facility is located at the same location as the meat processing facility;

(4) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 147;

(5) “Taxpayer”, any individual or entity who:

(a) Is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or the tax imposed under chapter 147;

(b) In the case of an individual, is a resident of this state as verified by a 911 address or, in the absence of a 911 system, a physical address; and

(c) Owns a meat processing facility located in this state;

(6) “Used exclusively”, used to the exclusion of all other uses except for use not exceeding five percent of total use.

3. For all tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] **2027**, a taxpayer shall be allowed a tax credit for meat processing modernization or expansion related to the taxpayer’s meat processing facility. The tax credit amount shall be equal to twenty-five percent of the amount the taxpayer paid in the tax year for meat processing modernization or expansion.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the tax year in which the meat processing modernization or expansion expenses were paid, but any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year may be carried forward to any of the taxpayer’s four subsequent tax years. The total amount of tax credits that any taxpayer may claim shall not exceed seventy-five thousand dollars per year. If two or more persons own and operate the meat processing facility, each person may claim a credit under this section in proportion to his or her ownership interest; except that, the aggregate amount of the credits claimed by all persons who own and operate the meat processing facility shall not exceed seventy-five thousand dollars per year. The amount of tax credits authorized in this section and section 135.679 in a calendar year shall not exceed two million dollars. Tax credits shall be issued on an as-received application basis until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and shall not be issued in any subsequent year.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a meat processing modernization or expansion project was completed and for which a tax credit is claimed under this section. The application shall include any certified documentation, proof of meat processing modernization or expansion, and any other information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the meat processing modernization or expansion meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. If a tax credit certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate and the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall promulgate rules establishing a process for verifying that a facility’s modernization or expansion for which tax credits were allowed under this section has in fact expanded the facility’s production within three years of the issuance of the tax credit and if not, the authority shall promulgate through rulemaking a process by which the taxpayer shall repay the authority an amount equal to that of the tax credit allowed.

8. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

9. The authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

10. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100.

4. (1) As used in this subsection, the following terms mean:

(a) "Eligible expenses", expenses incurred in this state to manufacture, maintain, or improve a freight line company's qualified rolling stock;

(b) "Qualified rolling stock", any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.

(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall, subject to appropriation, be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company's liability for the tax levied under this section for the tax year for which the credit is claimed.

(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.

(4) Subject to appropriation, the state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this subsection.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under **subsection 4 of** this section shall expire on August 28, [2020] **2027**; and

(2) **Subsection 4 of** this section shall terminate on September 1, [2021] **2028**.”; and

Further amend said bill,”; and

Further amend said amendment, Page 2, Line 23, by deleting all of said line and inserting in lieu thereof the following:

“hundred thousand persons and not in excess of nine hundred thousand persons.

348.436. The provisions of sections 348.430 to 348.436 shall expire December 31, [2021] **2027**.”; and”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 226, Page 3, Section 144.142, Line 26, by inserting after all of said section and line the following:

“167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121, 167.131, 167.132, and 167.895.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. (1) **For all school years ending on or before June 30, 2022**, any person who pays a school tax in any other district than that in which [he] **the person** resides may send [his] **the person’s** children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which [his] **the person’s** residence is situated may send [his] **the person’s** children to public school in any school district in which a part of such real estate, contiguous to that upon which [his] **the person’s** residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

(2) **For all school years beginning on or after July 1, 2022**, any person who owns residential real property or agricultural real property and pays a school tax in any district other than the district in which the person resides may send any of the person’s children to a public school in any district in which the person pays such school tax. The school district or public school of choice shall count a child attending under this subdivision in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

4. (1) **For all school years ending on or before June 30, 2022**, any owner of agricultural land who, [pursuant to] **under subdivision (1) of** subsection 3 of this section, has the option of sending [his] **such person’s** children to the public schools of more than one district shall exercise such option as provided in

this [subsection] **subdivision**. Such person shall send written notice to all school districts involved specifying to which school district [his] **the** children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of [his] **the person's** property lies. Such person shall not send any of [his] **such person's** children to the public schools of any district other than the one to which [he] **such person** has sent notice pursuant to this [subsection] **subdivision** in that school year or in which the majority of [his] **such person's** property lies without paying tuition to such school district.

(2) For all school years beginning on or after July 1, 2022, any owner of real property who elects to exercise the option provided in subdivision (2) of subsection 3 of this section shall exercise such option as provided in this subdivision. Such person shall send written notice to all school districts involved specifying which school district each child will attend thirty days prior to enrollment. When providing such notice, the person shall present proof of the person's payment of at least three thousand dollars of school taxes levied on the real property within such school district and ownership of the real property for no less than three years. Such proof may be determined by taking the school taxes paid on the most recent property tax receipt multiplied by the years of property ownership. If a school district to which the person wishes to send a child does not receive the notification required under this subdivision, the child shall attend school in the district in which the person resides. Such person shall not send a child to the public schools of any district in which the person does not reside other than the district to which such person has sent notice under this subdivision relating to the particular child for that school year.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county [of the first classification] with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 226, Page 3, Section 144.142, Line 26, by inserting after all of said section and line the following:

“144.813. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales of class III medical devices described in section 513(a)(a)(C) of the Federal Food, Drug, and Cosmetic Act as codified in 21 U.S.C. 360(c)(1)(C) that use electric fields for the purposes of the treatment of cancer including components and repair parts and the disposable or single patient use supplies required for the use of such devices.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 226, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“143.081. 1. A resident individual, resident estate, and resident trust shall be allowed a credit against the tax otherwise due pursuant to sections 143.005 to 143.998 for the amount of any income tax imposed for the taxable year by another state of the United States (or a political subdivision thereof) or the District of Columbia on income derived from sources therein and which is also subject to tax pursuant to sections 143.005 to 143.998. For purposes of this subsection, the phrase “income tax imposed” shall be that amount of tax before any income tax credit allowed by such other state or the District of Columbia if the other state or the District of Columbia authorizes a reciprocal benefit for residents of this state.

2. The credit provided pursuant to this section shall not exceed an amount which bears the same ratio to the tax otherwise due pursuant to sections 143.005 to 143.998 as the amount of the taxpayer’s Missouri adjusted gross income derived from sources in the other taxing jurisdiction bears to the taxpayer’s Missouri adjusted gross income derived from all sources. In applying the limitation of the previous sentence to an estate or trust, Missouri taxable income shall be substituted for Missouri adjusted gross income. If the tax of more than one other taxing jurisdiction is imposed on the same item of income, the credit shall not exceed the limitation that would result if the taxes of all the other jurisdictions applicable to the item were deemed to be of a single jurisdiction.

3. (1) For the purposes of this section, in the case of an S corporation, each resident S shareholder shall be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder’s pro rata share of any net income tax paid by the S corporation to a state which does not measure the income of shareholders on an S corporation by reference to the income of the S corporation or where a composite return and composite payments are made in such state on behalf of the S shareholders by the S corporation.

(2) A resident S shareholder shall be eligible for a credit issued pursuant to this section in an amount equal to the shareholder’s pro rata share of any income tax imposed pursuant to chapter 143 on income derived from sources in another state of the United States, or a political subdivision thereof, or the District of Columbia, and which is subject to tax pursuant to chapter 143 but is not subject to tax in such other jurisdiction.

4. For purposes of subsection 3 of this section, in the case of an S corporation that is a bank chartered by a state, the Office of Thrift Supervision, or the comptroller of currency, each Missouri resident S shareholder of such out-of-state bank shall qualify for the shareholder’s pro rata share of any net tax paid, including a bank franchise tax based on the income of the bank, by such S corporation where bank payment of taxes are made in such state on behalf of the S shareholders by the S bank to the extent of the tax paid.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 226, Page 1, Line 4, by inserting immediately before the phrase “139.305” on said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor’s books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor’s plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location

thereof. As used in this subdivision, the word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than [fifty] **two hundred** hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon

the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or

readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 226, Page 1, Line 33, by deleting all of said line and inserting in lieu thereof the following:

“other taxing jurisdiction or to property tax liabilities owned on tangible personal property.

144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of “retail sale” or “sale at retail” shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer’s trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer’s trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder’s interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner’s interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; [or]

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes;

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or

(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended[.]; **or**

(14) The purchase by a retailer of products that are intended for resale but that cannot be resold because of theft or because the product is damaged and cannot be resold.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 226, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“139.305. 1. For the purposes of this section, the following terms shall mean:

(1) “Real property”, any real property that is not residential property, as such term is defined in section 137.016;

(2) “Restrictive order”, any city-wide or county-wide ordinance or order imposed by a city or county that prohibits or otherwise restricts the use of a taxpayer’s real property, including, but not limited to, occupancy restrictions. Such term shall not include any ordinance or order prohibiting or restricting the use of a taxpayer’s real property due to a violation of a public health or safety code.

2. Notwithstanding any provision of law to the contrary, beginning January 1, 2021, any taxpayer who is a resident of a city or county that imposes one or more restrictive orders for a combined total in excess of fifteen days during a calendar year shall receive a credit on property taxes owed on such affected real property.

3. The amount of the credit authorized by this section shall be a percentage of the property tax liability that is equal to the percentage of the calendar year that the taxpayer was subject to restrictions on the use of his or her real property, provided that the first fifteen total combined days that restrictive orders are in effect during a calendar year shall not count toward the calculation of the tax credit pursuant to this subsection.

4. (1) A taxpayer eligible for a credit pursuant to this section shall timely pay all property tax owed prior to any credit applied pursuant to this section, and shall, no later than December thirty-first, submit a written statement to the city or county requesting the amount of property tax owed to such taxpayer. The city or county shall, by no later than thirty days following the receipt of such a statement, issue a refund to the taxpayer for the amount of property tax owed to such taxpayer pursuant to this section.

(2) Notwithstanding the provisions of this section to the contrary, a taxpayer receiving a tax credit pursuant to this section that leases or rents all or a portion of his or her affected real property to one or more other taxpayers shall distribute such tax credit on a pro rata basis to the taxpayers who are current on all lease or rental payments owed to the taxpayer receiving the credit pursuant to this section.

5. The provisions of this section shall only apply to real property tax liabilities owed to a city or county imposing a restrictive order, and shall not apply to property tax liabilities owed to any other taxing jurisdiction or to property tax liabilities owed on tangible personal property.”; and

Further amend said bill, Page 3, Section 144.142, Line 26, by inserting after all of said section and line the following:

“Section B. Because of the importance of property tax relief, the enactment of section 139.305 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 139.305 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS#2** for **SCS** for **HCS** for **HB 271**, as amended. Representatives: Wiemann, Chipman, Taylor (139), McCreery, Baringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 141**, entitled:

An Act to repeal sections 393.135, 393.170, 393.1025, 394.120, and 523.262, RSMo, and to enact in lieu thereof eight new sections relating to utilities.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 1 to House Amendment No. 8, and House Amendment No. 8, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Pages 1-3, Section 386.895, Lines 1-57, by deleting all of said lines and inserting in lieu thereof the following:

“386.895. 1. As used in this section, the following terms shall mean:

(1) “Biogas”, a mixture of carbon dioxide and hydrocarbons, primarily methane gas, released from the biological decomposition of organic materials;

(2) “Biomass”, has the meaning given the term “qualified biomass” in section 142.028;

(3) “Gas corporation”, the same as defined in section 386.020;

(4) “Qualified investment”, any capital investment in renewable natural gas infrastructure incurred by a gas corporation for the purpose of providing natural gas service under a renewable natural gas program;

(5) “Renewable energy sources”, hydroelectric, geothermal, solar photovoltaic, wind, tidal, wave, biomass, or biogas energy sources;

(6) “Renewable natural gas”, any of the following products processed to meet pipeline quality standards or transportation fuel grade requirements:

(a) Biogas that is upgraded to meet natural gas pipeline quality standards such that it may blend with, or substitute for, geologic natural gas;

(b) Hydrogen gas; or

(c) Methane gas derived from any combination of:

a. Biogas;

b. Hydrogen gas or carbon oxides derived from renewable energy sources; or

c. Waste carbon dioxide;

(7) “Renewable natural gas infrastructure”, all equipment and facilities for the production,

processing, pipeline interconnection, and distribution of renewable natural gas to be furnished to Missouri customers.

2. The commission shall adopt rules for gas corporations to offer a voluntary renewable natural gas program. Rules adopted by the commission under this section shall include:

(1) Rules for reporting requirements; and

(2) Rules for establishing a process for gas corporations to fully recover incurred costs that are prudent, just, and reasonable associated with a renewable natural gas program. Such recovery shall not be permitted until the project is operational and produces renewable natural gas for customer use.

3. A filing by a gas corporation pursuant to the renewable natural gas program created in subsection 2 of this section shall include, but is not limited to:

(1) A proposal to procure a total volume of renewable natural gas over a specific period; and

(2) Identification of the qualified investments that the gas corporation may make in renewable natural gas infrastructure.

4. A gas corporation may from time to time revise the filing submitted to the commission under this section no more than one time per year.

5. Any costs incurred by a gas corporation for a qualified investment that are prudent, just, and reasonable may be recovered by means of an automatic rate adjustment clause.

6. When a gas corporation makes a qualified investment in the production of renewable natural gas, the costs associated with such qualified investment shall include the cost of capital established by the commission in the gas corporation's most recent general rate case.

7. On or before January 1, 2023, the division of energy within the department of natural resources shall provide to the chair of the public service commission, the speaker of the house of representatives, the president pro tempore of the senate, the chair of the senate committee on commerce, consumer protection, energy, and the environment, and the chair of the house of representatives utility committee, a report on the renewable natural gas program established under this section. Such report shall include, but not be limited to, the following:

(1) The number of projects submitted for the renewable natural gas program and the number of projects approved for the renewable natural gas program;

(2) The number of projects that are operational, and the costs, projected and actual, of such projects and other key metrics the division of energy deems important;

(3) The volume of renewable natural gas produced in the state through projects that were approved by the renewable natural gas program as well as the percentage of renewable natural gas produced in relation to the total volume of natural gas sold in the state;

(4) The environmental benefits of renewable natural gas, including but not limited to greenhouse gas reduction as a result of the production of renewable natural gas;

(5) The economic benefits of the renewable natural gas program, including but not limited to local employment, value-added production for the agricultural sector, and other economic development;

and

(6) Any economic benefits or other costs to ratepayers.

8. Rules adopted by the commission under this section shall not prohibit an affiliate of a gas corporation from making a capital investment in a biogas production project if the affiliate is not a public utility as defined in section 386.020.

9. The public service commission may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

10. Pursuant to section 23.253 of the Missouri sunset act, this section and any rules enacted under this section shall expire nine years from the date the renewable natural gas program is established, unless reauthorized by the general assembly; provided that any rate adjustment authorized by this section shall continue so long as the renewable natural gas program remains in operation and produces renewable natural gas for customer use.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 1, Section 67.309, Line 6, by inserting after all of said section and line the following:

“91.025. 1. As used in this section, the following terms mean:

(1) “Municipally owned or operated electric power system”, a system for the distribution of electrical power and energy to the inhabitants of a municipality which is owned and operated by the municipality itself, whether operated under authority pursuant to this chapter or under a charter form of government;

(2) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure’s anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(3) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical corporation, rural electric cooperative, municipally owned or operated electric power system, or joint municipal utility commission. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a municipally owned or operated electrical system, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by a customer, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over municipally owned or operated electric systems to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such municipally owned or operated electrical system, and nothing in this section, section 393.106, and section 394.315 shall affect the rights, privileges or duties of any municipality to form or operate municipally owned or operated electrical systems. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred.

3. Notwithstanding the provisions of this section and sections 393.106, 394.080, and 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

386.800. 1. No municipally owned electric utility may provide electric energy at retail to any structure located outside the municipality's corporate boundaries after July 11, 1991, unless:

(1) The structure was lawfully receiving permanent service from the municipally owned electric utility prior to July 11, 1991; [or]

(2) The service is provided pursuant to an approved territorial agreement under section 394.312;

(3) The service is provided pursuant to lawful municipal annexation and subject to the provisions of this section; or

(4) The structure is located in an area which was previously served by an electrical corporation regulated under chapter 386, and chapter 393, and the electrical corporation's authorized service territory was contiguous to or inclusive of the municipality's previous corporate boundaries, and the electrical corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11, 1991. In the event that a municipally owned electric utility in a city with a population of more than one hundred twenty-five thousand located in a county of the first class not having a charter form of government and not adjacent to any other county of the first class desires to serve customers beyond the authorized service territory in an area which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this subdivision, **in the absence of an approved territorial agreement under section 394.312**, the municipally owned utility shall apply to the public service commission for an order assigning nonexclusive service territories

and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located in or within one mile outside of the boundaries of the proposed expanded service territory. The proposed service area shall be contiguous to the authorized service territory which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as a condition precedent to the granting of the application. The commission shall have one hundred twenty days from the date of application to grant or deny the requested order. The commission, **after a hearing**, may grant the order upon a finding that granting of the applicant's request is not detrimental to the public interest. In granting the applicant's request the commission shall give due regard to territories previously granted to **or served by** other electric service suppliers **and the wasteful duplication of electric service facilities.**

2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its **electric** service territory to include [any structure located within a newly annexed area which has not received permanent service from another supplier within ninety days prior to the effective date of the annexation] **areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities with adequate and necessary service capability located in or within one mile outside the boundaries of the area proposed to be annexed, a majority of the existing developers, landowners, or prospective electric customers in the area proposed to be annexed may, anytime within forty five days prior to the effective date of the annexation, submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations under section 394.312 to determine which electric service supplier is best suited to serve all or portions of the newly annexed area. In such negotiations the following factors shall be considered, at a minimum:**

- (1) The preference of landowners and prospective electric customers;**
- (2) The rates, terms and conditions of service of the electric service suppliers;**
- (3) The economic impact on the electric service suppliers;**
- (4) Each electric service supplier's operational ability to serve all or portions of the annexed area within three years of the date the annexation becomes effective;**
- (5) Avoiding the wasteful duplication of electric facilities;**
- (6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and**
- (7) Preventing the waste of materials and natural resources.**

If the municipally owned electric utility and rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty five days, then they may submit proposals to those submitting the original written request, whose preference shall control, section 394.080 to the contrary notwithstanding, and the governing body of the annexing municipality shall not reject the petition requesting annexation based on such preference. This subsection shall not apply to municipally-owned property in any newly annexed area.

3. In the event an electrical corporation rather than a municipally owned electric utility lawfully is providing electric service in the municipality, all the provisions of subsection 2 shall apply equally as if the electrical corporation were a municipally owned electric utility, except that if the electrical

corporation and the rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty five days, then either electric supplier may file an application with the commission for an order determining which electric supplier should serve, in whole or in part, the area to be annexed. The application shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. The commission after the opportunity for hearing shall make its determination after consideration of the factors set forth in subdivisions (1) through (7) of subsection 2 of this section, and section 394.080 to the contrary notwithstanding, may grant its order upon a finding that granting of the applicant's request is not detrimental to the public interest. The commission shall issue its decision by report and order no later than one hundred twenty days from the date of the application unless otherwise ordered by the commission for good cause shown. Review of such commission decisions shall be governed by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the commission shall charge to the rural electric cooperative the appropriate fees as set forth in subsection 9 of this section.

[3.] 4. When a municipally owned electric utility desires to extend its service territory to include any structure located within a newly annexed area which has received permanent service from another **electric service** supplier within ninety days prior to the effective date of the annexation, it shall:

(1) Notify by publication in a newspaper of general circulation the record owner of said structure, and notify in writing any affected electric **service** supplier and the public service commission, within sixty days after the effective date of the annexation its desire to extend its service territory to include said structure; and

(2) Within six months after the effective date of the annexation receive the approval of the municipality's governing body to begin negotiations pursuant to section 394.312 with [any] **the** affected electric **service** supplier.

[4.] 5. Upon receiving approval from the municipality's governing body pursuant to subsection 3 of this section, the municipally owned electric utility and the affected electric **service** supplier shall meet and negotiate in good faith the terms of the territorial agreement and any transfers or acquisitions, including, as an alternative, granting the affected electric **service** supplier a franchise or authority to continue providing service in the annexed area. In the event that the affected electric **service** supplier does not provide wholesale electric power to the municipality, if the affected electric **service** supplier so desires, the parties [shall] **may** also negotiate, consistent with applicable law, regulations and existing power supply agreements, for power contracts which would provide for the purchase of power by the municipality from the affected electric **service** supplier for an amount of power equivalent to the loss of any sales to customers receiving permanent service at structures within the annexed areas which are being sought by the municipally owned electric utility. The parties shall have no more than one hundred eighty days from the date of receiving approval from the municipality's governing body within which to conclude their negotiations and file their territorial agreement with the commission for approval under the provisions of section 394.312. The time period for negotiations allowed under this subsection may be extended for a period not to exceed one hundred eighty days by a mutual agreement of the parties and a written request with the public service commission.

[5.] 6. For purposes of this section, the term "fair and reasonable compensation" shall mean the following:

(1) The present-day reproduction cost, new, of the properties and facilities serving the annexed areas, less depreciation computed on a straight-line basis; and

(2) An amount equal to the reasonable and prudent cost of detaching the facilities in the annexed areas and the reasonable and prudent cost of constructing any necessary facilities to reintegrate the system of the affected electric **service** supplier outside the annexed area after detaching the portion to be transferred to the municipally owned electric utility; and

(3) [Four] **Two** hundred percent of gross revenues less gross receipts taxes received by the affected electric **service** supplier from the twelve-month period preceding the approval of the municipality's governing body under the provisions of subdivision (2) of subsection [3] **4** of this section, normalized to produce a representative usage from customers at the subject structures in the annexed area; and

(4) Any federal, state and local taxes which may be incurred as a result of the transaction, including the recapture of any deduction or credit; and

(5) Any other costs reasonably incurred by the affected electric supplier in connection with the transaction.

[6.] **7.** In the event the parties are unable to reach an agreement under subsection [4] **5** of this section, within sixty days after the expiration of the time specified for negotiations, the municipally owned electric utility **or the affected electric service supplier** may apply to the commission for an order assigning exclusive service territories within the annexed area and a determination of the fair and reasonable compensation amount to be paid to the affected electric **service** supplier under subsection [5] **6** of this section. Applications shall be made and notice of such filing shall be given to all affected parties pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission. The commission shall hold evidentiary hearings to assign service territory between **the** affected electric **service** suppliers inside the annexed area and to determine the amount of compensation due any affected electric **service** supplier for the transfer of plant, facilities or associated lost revenues between electric **service** suppliers in the annexed area. The commission shall make such determinations based on findings of what best serves the public interest and shall issue its decision by report and order. Review of such commission decisions shall be governed by sections 386.500 to 386.550. The payment of compensation and transfer of title and operation of the facilities shall occur within ninety days after the order and any appeal therefrom becomes final unless the order provides otherwise.

[7.] **8.** In reaching its decision under subsection [6] **7** of this section, the commission shall consider the following factors:

(1) Whether the acquisition or transfers sought by the municipally owned electric utility within the annexed area from the affected electric **service** supplier are, in total, in the public interest, including **the preference of the owner of any affected structure**, consideration of rate disparities between the competing electric **service** suppliers, and issues of unjust rate discrimination among customers of a single electric **service** supplier if the rates to be charged in the annexed areas are lower than those charged to other system customers; and

(2) The fair and reasonable compensation to be paid by the municipally owned electric utility, to the affected electric **service** supplier with existing system operations within the annexed area, for any proposed

acquisitions or transfers; and

(3) Any effect on system operation, including, but not limited to, loss of load and loss of revenue; and

(4) Any other issues upon which the municipally owned electric utility and the affected electric **service** supplier might otherwise agree, including, but not limited to, the valuation formulas and factors contained in subsections [4,] 5, 6 and [6] 7, of this section, even if the parties could not voluntarily reach an agreement thereon under those subsections.

[8.] **9.** The commission is hereby given all necessary jurisdiction over municipally owned electric utilities and rural electric cooperatives to carry out the purposes of this section consistent with other applicable law; provided, however, the commission shall not have jurisdiction to compel the transfer of customers or structures with a connected load greater than one thousand kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary costs incurred by the commission in carrying out its duties under this section. **Nothing in this section shall be construed as otherwise conferring upon the public service commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally-owned electric utility, except as provided in this section.**

10. Notwithstanding sections 394.020 and 394.080 to the contrary, a rural electric cooperative may provide electric service within the corporate boundaries of a municipality if such service is provided:

(1) Pursuant to subsections 2 through 9 of this section; and

(2) Such service is conditioned upon the execution of the appropriate territorial and municipal franchise agreements, which may include a nondiscriminatory requirement, consistent with other applicable law, that the rural electric cooperative collect and remit a sales tax based on the amount of electricity sold by the rural electric cooperative within the municipality.”; and

Further amend said bill, Page 3, Section 386.895, Line 57, by inserting after all of said section and line the following:

“393.106. 1. As used in this section, the following terms mean:

(1) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure’s anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of

municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing corporations pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section and sections 91.025, 394.080, and 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.”; and

Further amend said bill, Page 5, Section 393.1250, Line 41, by inserting after all of said section and line the following:

“394.020. In this chapter, unless the context otherwise requires,

(1) “Member” means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership;

(2) “Person” includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic; and

(3) “Rural area” shall be deemed to mean any area of the United States not included within the boundaries of any city, town or village having a population in excess of [fifteen] **sixteen** hundred inhabitants, and such term shall be deemed to include both the farm and nonfarm population thereof. **The number of inhabitants specified in this subdivision shall be increased by six percent every ten years after each decennial census beginning in 2030.”; and**

Further amend said bill, Page 7, Section 394.120, Line 38, by inserting after all of said section and line the following:

“394.315. 1. As used in this section, the following terms mean:

(1) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or

a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on [a rural electric cooperative] **an electric supplier** to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a rural electric cooperative, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided herein, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such cooperative, and except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing cooperatives pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section and sections 91.025, 393.106, and 394.080 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 1, Section 67.309, Line 1, by inserting after the number “**67.309**” the number “**1.**”; and

Further amend said bill, page, and section, Line 6, by inserting after said line the following:

“2. For purposes of this section, utility services shall include natural gas, propane gas, electricity, and any other form of energy provided to an end user customer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 8, Section 523.262, Line 40, by inserting after all of said section and line the following:

“640.136. 1. Any public water system, as defined in section 640.102, or public water supply district, as described in chapter 247, that intends to start or stop fluoridation of its water supply on a continuing basis shall seek and receive information about the impact of public water fluoridation from the local health department.

2. Any public water system or public water supply district that receives information under subsection 1 of this section shall notify the department of natural resources and the department of health and senior services in order to certify that the public water system or public water supply district has sought and received information about the impact of public water fluoridation from the local health department prior to submitting notification of the public water system’s or public water supply district’s intention to start or stop public water fluoridation on a continuing basis. Any public water system, as defined in section 640.102, or public water supply district, as defined in chapter 247, which intends to [make modifications to] **start or stop** fluoridation of its water supply **on a continuing basis** shall notify the department of natural resources, the department of health and senior services, and its customers of its intentions at least ninety days prior to any vote on the matter. The public water system or public water supply district shall notify its customers via radio, television, newspaper, regular mail, electronic means, or any combination of notification methods to most effectively notify customers at least ninety days prior to any meeting at which the vote will occur. Any public water system or public water supply district that violates the notification requirements of this section shall return the fluoridation of its water supply to its previous level until proper notification is provided under the provisions of this section.

[2.] **3. In the case of an investor-owned water system, the entity calling for the discussion of modifications to fluoridation shall be responsible for the provisions of this section and all costs associated with compliance.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 4, Section 393.170, Line 32, by inserting after all of said section and line the following:

“393.355. 1. As used in this section, the following terms shall mean:

(1) **“Electrical corporation”**, the same meaning given to the term in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;

(2) **“Facility”**, a:

(a) Facility whose primary industry is the [smelting] **processing** of [aluminum and] primary metals[, Standard Industrial Classification Code 3334];

(b) Facility whose primary industry is the production or fabrication of steel, North American Industrial Classification System 331110; or

(c) Facility with a new or incremental increase in load equal to or in excess of a monthly demand of fifty megawatts.

2. Notwithstanding section 393.130 or any other provision of law to the contrary, the public service commission shall have the authority to approve a special rate, outside a general rate proceeding, that is not based on the electrical corporation's cost of service for a facility if:

(1) The commission determines, but for the authorization of the special rate the facility would not commence operations, the special rate is in the interest of the state of Missouri when considering the interests of the customers of the electrical corporation serving the facility, considering the incremental cost of serving the facility to receive the special rate, and the interests of the citizens of the state generally in promoting economic development, improving the tax base, providing employment opportunities in the state, and promoting such other benefits to the state as the commission may determine are created by approval of the special rate;

(2) After approval of the special rate, the commission allocates in each general rate proceeding of the electrical corporation serving the facility the reduced revenues from the special rate as compared to the revenues that would have been generated at the rate the facility would have paid without the special rate to the electrical corporation's other customers through a uniform percentage adjustment to all components of the base rates of all customer classes; and

(3) The commission approves a tracking mechanism meeting the requirements of subsection 3 of this section.

3. Any commission order approving a special rate authorized by this section to provide service to a facility in the manner specified under subsection 4 of this section shall establish, as part of the commission's approval of a special rate, a tracking mechanism to track changes in the net margin experienced by the electrical corporation serving the facility with the tracker to apply retroactively to the date the electrical corporation's base rates were last set in its last general rate proceeding concluded prior to June 14, 2017. The commission shall ensure that the changes in net margin experienced by the electrical corporation between the general rate proceedings as a result of serving the facility are calculated in such a manner that the electrical corporation's net income is neither increased nor decreased. The changes in net margin shall be deferred to a regulatory liability or regulatory asset, as applicable, with the balance of such regulatory asset or liability to be included in the revenue requirement of the electrical corporation in each of its general rate proceedings through an amortization of the balance over a reasonable period until fully returned to or collected from the electrical corporation's customers.

4. Notwithstanding the provisions of section 393.170, an electrical corporation is authorized to provide electric service to a facility at a special rate for the new or incremental load authorized by the commission:

(1) Under a rate schedule reflecting the special rate approved by the commission; or

(2) If the facility is located outside the electrical corporation's certificated service territory, the facility shall be treated as if it is in the electrical corporation's certified service territory, subject to a commission-approved rate schedule incorporating the special rate under the contract.

5. To receive a special rate, the electrical corporation serving the facility, or facility if the facility is located outside of the electrical corporation's certified service territory, shall file a written application with the commission specifying the requested special rate and any terms or conditions proposed by the facility respecting the requested special rate and provide information regarding how the requested special rate meets the criteria specified in subdivision (1) of subsection 2 of this section. A special rate provided for by this section shall be effective for no longer than ten years from the date such special rate is authorized. The

commission may impose such conditions, including but not limited to any conditions in a memorandum of understanding between the facility and the electrical corporation, on the special rate as it deems appropriate so long as it otherwise complies with the provisions of this section.

6. Any entity which has been granted a special rate under this section may reapply to the commission for a special rate under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 3, Section 393.135, Line 6, by inserting after all of said section and line the following:

“393.137. 1. [This section applies to electrical corporations that do not have a general rate proceeding pending before the commission as of the later of February 1, 2018, or June 1, 2018.

2.] For purposes of this section, the following terms shall mean:

(1) “Commission”, the public service commission;

(2) “**Tax legislation**”, **additions, deletions, or amendments to the Internal Revenue Code, Title 26 of the United States Code, to the Missouri income tax code, or regulations adopted under chapter 143;**

(3) [“Electrical corporation”, the same as] “**Utility**”, **an electrical corporation, gas corporation, water corporation, or sewer corporation, as defined in section 386.020[**, but]. “**Utility**” shall not include an electrical corporation as described in subsection 2 of section 393.110.

[3. If the rates of any electrical corporation to which this section applies have not already been adjusted to reflect the effects of the federal 2017 Tax Cut and Jobs Act, Pub. L. No. 115-97, 94 Stat. 2390, the commission shall have one time authority that shall be exercised within ninety days of June 1, 2018, to adjust such electrical corporation’s rates prospectively so that the income tax component of the revenue requirement used to set such an electrical corporation’s rates is based upon the provisions of such federal act without considering any other factor as otherwise required by section 393.270. The commission shall also require electrical corporations to which this section applies, as provided for under subsection 1 of this section, to defer to a regulatory asset the financial impact of such federal act on the electrical corporation for the period of January 1, 2018, through the date the electrical corporation’s rates are adjusted on a one-time basis as provided for in the immediately preceding sentence. The amounts deferred under this subsection shall be included in the revenue requirement used to set the electrical corporation’s rates in its subsequent general rate proceeding through an amortization over a period determined by the commission.]

2. If the United States Congress or general assembly enacts tax legislation that, had it been effective when the utility’s base rates were last set, would have resulted in a lower income tax component of the revenue requirement used to last set such base rates, the commission shall have the authority to, within one hundred eighty days of the enacted date of the subject tax legislation, enter an order adjusting such utility’s base rates prospectively so that the income tax component of the revenue requirement used to set such utility’s base rates is based upon the provisions of such tax legislation without considering any other factor as otherwise required by section 393.270. As part of its exercise of such authority, the commission shall also require the utility to defer to a regulatory liability an amount equal to the difference between what the income tax component of the revenue requirement last used to set its base rates was under the law at that time and what the income tax

component of the revenue requirement would have been had such tax legislation been in effect at that time. The deferral period shall commence with the date such tax legislation would have resulted in a lower income tax component of such revenue requirement last used to set the utility's base rates and continue through the date the utility's base rates are next adjusted. The amounts deferred under this subsection shall be included in the revenue requirement used to set the utility's base rates in its subsequent general rate proceedings through amortization over a period of up to three years, as determined by the commission.

[4.] 3. Upon good cause shown by [the electrical corporation] **a utility**, the commission may, as an alternative to requiring a [one-time] rate change and deferral under subsection [3] 2 of this section, allow a deferral **to a regulatory liability**, in whole or in part, of [such federal act's financial impacts to a regulatory asset starting January 1, 2018,] **the amounts that would have been reflected in a base rate reduction under subsection 2 of this section. The deferral period shall commence on the date such tax legislation would have resulted in a lower income tax component and continue** through the effective date of new rates in such [electrical corporation's] **utility's** next general rate proceeding. The deferred amounts shall be included in the revenue requirement used to set the [electrical corporation's] **utility's** rates in its subsequent general rate proceeding through an amortization over a period determined by the commission.

4. If the United States Congress or general assembly enacts tax legislation that, had it been in effect when the utility's base rates were last set, would have resulted in a higher income tax component of the revenue requirement used to last set such base rates, the utility shall be entitled, by giving notice to the commission within one hundred eighty days of the enacted date of such tax legislation, to defer to a regulatory asset an amount equal to the difference between what the income tax component of the revenue requirement used to last set its base rates was under the law at that time and what the income tax component of the revenue requirement would have been had such tax legislation been in effect at that time. The deferral period shall commence on the date such tax legislation would have resulted in a higher income tax component of such revenue requirement last used to set the utility's base rates and continue through the date the utility's base rates are next adjusted as provided for in this subsection. The amounts deferred under this subsection shall be included in the revenue requirement used to set the utility's rates in its subsequent general rate proceedings through amortization over a period of up to three years, as determined by the commission, without considering any other factor as otherwise required by section 393.270.

5. If the tax legislation that either reduces or increases the utility's income tax component, under subsection 2 or 4 of this section, does so at a point in time other than beginning with its effective date, or does so in multiple stages at different points in time, the commission order in subsection 1 of this section and the utility's notice in subsection 4 of this section shall be deemed to apply to the first point in time when the income tax component would have been changed and to subsequent changes in such income tax component arising from such tax legislation without the necessity of the commission issuing a subsequent order or the utility providing a subsequent notice, as the case may be. Each such change shall require a separate base rate change, deferral, and amortization period, as applicable.

6. If the United States Congress or general assembly has, prior to the effective date of this section, enacted tax legislation that either reduces or increases the utility's income tax component the one-hundred-eighty-day period in subsection 2 and 4 of this section shall commence on the effective date of this section.

7. Notwithstanding any other provision of this section to the contrary, the commission's authority to adjust utility rates and require deferrals regarding reductions in the income tax component of a utility's revenue requirement under subsections 2 and 3 of this section, and utility authority to defer and recover increases in the income tax component under subsection 4 of this section, shall not exist unless the addition, deletion, or amendment to tax legislation results in a difference in the income tax component of the utility's revenue requirement, calculated in accordance with subsection 2 or 4 of this section, as applicable, that is greater than an amount in excess of two-tenths of one percent of such utility's operating revenues reported to the commission in such utility's annual report for the calendar year preceding the calendar year in which such difference is calculated.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 1, Line 6, by deleting said line and inserting in lieu thereof the following:

the provision of satellite or streaming video service.

247.200. 1. The district shall have the right to lay its mains in public highways, roads, streets and alleys included in the district, but the same shall be done under reasonable rules and regulations of governmental bodies having jurisdiction of such public places. This shall apply to maintenance and repair jobs. In the construction of ditches, laying of mains, filling of ditches after mains are laid, connection of service pipes and repairing of lines, due regard must be taken of the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.

2. No district shall require a secondary deposit from commercial property owners. For the purposes of this subsection, a commercial property is a property that is zoned for commercial use by the zoning authority that has jurisdiction over the property.

3. If a water meter has been removed from a property or if services to a property have been discontinued, no future charges shall be made to the customer for service to that property. Any charges made after service is discontinued or the water meter is removed shall be credited to the customer and applied toward any future charges to such customer by the district.

247.285. 1. No metropolitan water supply district shall require a secondary deposit from commercial property owners. For the purposes of this subsection, a commercial property is a property that is zoned for commercial use by the zoning authority that has jurisdiction over the property.

2. If a water meter has been removed from a property or if services to a property have been discontinued, no future charges shall be made to the customer for service to that property. Any charges made after service is discontinued or the water meter is removed shall be credited to the customer and applied toward any future charges to such customer by the metropolitan water supply district.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 1, Section

67.309, Line 6, by inserting after all of said section and line the following:

“67.2680. The state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, upon the provision of satellite or streaming video service.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

“620.2456. 1. The department of economic development shall not award any grant to an otherwise eligible grant applicant where funding from the Connect America Fund has been awarded, where high-cost support from the federal Universal Service Fund has been received by rate of return carriers, or where any other federal funding has been awarded which did not require any matching-fund component, **unless the proposed project area has a proven lack of coverage or adequate broadband internet coverage**, for any portion of the proposed project area, nor shall any grant money be used to serve any retail end user that already has access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per-second download and three megabits per-second upload.

2. No grant awarded under sections 620.2450 to 620.2458, when combined with any federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose cumulative total exceeds five million dollars.

4. The department of economic development shall endeavor to award grants under sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

5. An award granted under sections 620.2450 to 620.2458 shall not:

(1) Require an open access network;

(2) Impose rates, terms, and conditions that differ from what a provider offers in other areas of its service area;

(3) Impose any rate, service, or any other type of regulation beyond speed requirements set forth in section 620.2451; or

(4) Impose an unreasonable time constraint on the time to build the service.

6. If a grant recipient fails to establish the speed requirements set forth in section 620.2451, then the grant recipient shall return all grant moneys to the department.

Section 1. No political subdivision of this state shall adopt or enforce an ordinance,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 141, Page 8, Section 523.262, Line 40, by inserting after all of said section and line the following:

“Section 1. No political subdivision of this state shall adopt or enforce an ordinance, resolution, regulation, code, or policy that requires or has the effect of requiring the connection of a private single-family residence to public water or sewer services if that residence is already served by an existing private well or septic system unless such existing installation was installed in violation of applicable ordinances at the time of installation. Nothing in this subsection shall be construed to prohibit the enforcement of applicable health or environmental regulations of the state of Missouri.”;
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 120**.

Emergency Clause Adopted.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Schatz submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **HCS** for **SCS** for **SB 49**, **HCS** for **SS** for **SCS** for **SB 71** and **HCS** for **SS** for **SB 176**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HS** for **HB 432**, with **SCS**; **HCS** for **HJR**s **23** and **38**; **HCS** for **HJR**s **20**, **2**, **9** and **27**; **HCS** for **HB 734**, with **SCS**; **HCS** for **HB 349**; **HCS** for **HB 384**, with **SCS**; and **SS** for **SB 317**, begs leave to report that it has considered the same and recommends that the bills and joint resolutions do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 834**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SS for **SB 317**, introduced by Senator May, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 317

An Act to repeal section 454.1005, RSMo, and to enact in lieu thereof one new section relating to child support enforcement.

Was taken up.

On motion of Senator May, **SS** for **SB 317** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Cierpiot
Eslinger	Gannon	Hegeman	Hough	Koenig	May	Moon
Mosley	O’Laughlin	Onder	Razer	Rehder	Rizzo	Roberts
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Bernskoetter	Crawford	Eigel	Hoskins	Luetkemeyer	Riddle—6
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Absent—Senators—None

Absent with leave—Senator Rowden—1

Vacancies—None

The President declared the bill passed.

On motion of Senator May, title to the bill was agreed to.

Senator May moved that the vote by which the bill passed be reconsidered.

Senator White moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Eigel moved that the Senate refuse to concur in **SS No. 2** for **SB 26**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Koenig moved that the Senate refuse to concur in **SB 226**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

INTRODUCTION OF GUESTS

Senator O’Laughlin introduced to the Senate, Jay Reuterdaahl and Jon Reuterdaahl, La Plata.

On motion of Senator White, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SECOND DAY—THURSDAY, MAY 6, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1202
HCS for HB 682
HB 445-McGill
HB 395-Reedy
HB 447-Wright

HCS for HB 814
HCS for HB 1358
HB 1008-Hardwick
HB 764-Andrews

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 349 (Koenig) | 14. HB 624-Richey (Arthur) |
| 2. HCS for HJR 20, 2, 9 & 27 (Onder) | 15. HCS for HB 17 (Hegeman) |
| 3. HCS for HB 384, with SCS (Wieland) | 16. HCS for HB 734, with SCS (Cierpiot) |
| 4. HCS for HBs 85 & 310, with SCS
(Burlison) (In Fiscal Oversight) | 17. HCS for HB 66 (Koenig) |
| 5. HB 670-Houx (Moon) | 18. HB 701-Black (Onder) |
| 6. HB 488-Hicks, with SCS (Burlison) | 19. HB 139-Hudson (Burlison) |
| 7. HCS#2 for HB 69, with SCS (Bean) | 20. HB 299-Wallingford, with SCS (Eigel) |
| 8. HCS for HBs 557 & 560 (White) | 21. HS for HB 432, with SCS (White) |
| 9. HB 578-Bromley, with SCS (Brown) | 22. HCS for HB 137, with SCS
(Luetkemeyer) |
| 10. HB 687-Riley (Hough) | 23. HCS for HB 228, with SCS (O’Laughlin) |
| 11. HB 661-Ruth (Brown) | 24. HCS for HB 369 (Bernskoetter) |
| 12. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) | 25. HCS for HJR 23 & 38 (Eslinger) |
| 13. HS for HB 297 (Rehder) | 26. HB 554-Eggleston, with SCS (Koenig)
(In Fiscal Oversight) |

27. HCS for HB 649, with SCS
(Bernskoetter) (In Fiscal Oversight)
28. HCS for HB 350

29. HCS for HB 402 (Mosley)
(In Fiscal Oversight)
30. HB 834-Wright (O’Laughlin)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)
SB 3-Hegeman
SB 7-Riddle, with SS & SA 1 (pending)
SB 10-Schatz, with SS (pending)
SB 11-Schatz, with SS & SA 1 (pending)
SB 24-Eigel, with SS#2 (pending)
SB 30-Cierpiot
SB 39-Burlison, with SS (pending)
SB 47-Hough
SB 54-O’Laughlin, with SCS
SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending)
SB 62-Williams, with SCS
SB 65-Rehder, with SCS
SB 74-Bean, with SCS
SB 92-Riddle, with SCS
SB 94-Onder with SS, SA1 to SS & SA 1 to
SA 1 (pending)
SB 95-Onder, with SCS
SB 96-Hoskins, with SCS
SB 98-Hoskins, with SCS (pending)
SB 100-Koenig, with SCS
SB 105-Crawford, with SCS
SB 114-Bernskoetter
SB 123-Hough, with SS & SA 2 (pending)
SB 131-Luetkemeyer
SB 132-O’Laughlin, with SCS
SB 134-O’Laughlin and Cierpiot
SB 137-Brattin
SB 138-Brattin, with SCS

SB 139-Bean
SB 149-Onder
SB 163-Cierpiot
SB 168-Burlison
SB 169-Burlison
SB 174-Hough, with SCS
SB 179-Luetkemeyer
SB 182-O’Laughlin
SB 183-O’Laughlin
SB 184-Bean, with SCS
SB 195-Koenig
SB 198-Eigel, with SCS
SB 204-Cierpiot, with SCS
SB 206-Arthur
SB 218-Luetkemeyer, with SCS
SB 227-Arthur
SB 236-Hough, with SCS
SB 244-Onder
SB 253-Hegeman
SB 254-Riddle, with SCS, SS for SCS &
SA 2 (pending)
SB 255-Riddle
SB 265-Eslinger
SB 282-Hegeman, with SCS
SB 287-Crawford
SB 291-Brown
SB 295-Crawford, with SCS
SB 301-Bernskoetter, with SCS &
SA 1 (pending)
SB 306-Bernskoetter, with SCS

SB 313-Eigel	SB 437-Hoskins
SB 316-Hough	SB 459-Brattin, with SCS
SB 318-May, with SCS	SB 465-Hoskins, with SCS
SB 334-Bernskoetter	SB 466-Hoskins, with SCS
SB 343-Brown	SB 473-Brown
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 481-Hough, et al
SB 360-Wieland, with SCS	SB 506-Bean
SB 361-Wieland	SB 529-Cierpiot
SB 369-White	SB 547-Hoskins, with SCS
SB 370-Brown	SB 561-Gannon
SB 372-Riddle	SB 562-Schupp
SB 375-Eigel	SB 577-Riddle, with SCS
SB 383-Moon	SB 582-Eslinger
SB 390-Luetkemeyer	SB 604-Koenig, with SCS
SB 399-Eigel	SJR 2-Onder, with SCS
SB 400-Onder, with SCS	SJR 4-Koenig
SB 404-Riddle	SJR 7-Eigel
SB 408-Wieland	SJR 12-Luetkemeyer
SB 434-Washington	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS, SA 1 & SA 2 to SA 1 (pending) (Luetkemeyer)	HB 542-Shields (Burlison)
HCS#2 for HB 75 (Onder)	HB 604-Gregory (51), with SCS (Crawford)
HB 249-Ruth (Wieland)	HB 657-Trent, with SCS (Hough)
HB 333-Simmons (Onder)	HB 850-Wiemann (Eigel)
HCS for HB 529, with SCS & SS for SCS (pending) (Hoskins)	HB 948-Francis, with SCS (Hoskins)
	HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 & 1097, with SS & SA 1 (pending) (Bernskoetter)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)

HB 202-McGill (Gannon)

HB 404-Aldridge (May)
HB 449-Tate (Gannon)
HB 522-Windham (Williams)
HB 640-Morse (Bean)

HB 1053-Patterson (Onder)
HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 141-Bean, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 37-Bernskoetter, with HA 1, HA 2,
HA 3, HA 4, HA 5 & HA 6
HCS for HB 2, with SS for SCS (Hegeman)
HCS for HB 3, with SS for SCS (Hegeman)
HCS for HB 4, with SS for SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)
HCS for HB 6, with SCS (Hegeman)
HCS for HB 7, with SCS (Hegeman)
HCS for HB 8, with SCS (Hegeman)

HCS for HB 9, with SCS (Hegeman)
HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 11, with SS for SCS (Hegeman)
HCS for HB 12, with SCS (Hegeman)
HCS for HB 15, with SCS (Hegeman)
HCS for HB 271, with SS#2 for SCS, as
amended (Crawford)
HB 273-Hannegan, with SS#2 for SCS, as
amended (Riddle)

Requests to Recede or Grant Conference

SS#2 for SB 26-Eigel, with HCS, as
amended (Senate requests House
recede or grant conference)

SB 226-Koenig, with HCS, as amended
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY—THURSDAY, MAY 6, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Grow in grace and in the knowledge of the Lord...” (2 Peter 3:18)

Blessed Father, we began this morning in prayer and learning from one another. We are grateful for such times for they truly are a blessing to our souls and energize our lives. We shift gears from reflection to action as we are called to responsible considerations of bills before us, for we recognize it is our duty and obligation to do so that which is most helpful to others is placed before us. May we make decisions guided by Your spirit for then we know we are on the path that we must take. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from The Missouri Times were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Gannon—1

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived.

GOVERNOR
STATE OF MISSOURI
May 6, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments:

Carrie Gallagher Crompton, Democrat, 1722 Nicholson Place, Saint Louis, Saint Louis City, Missouri 63104, as a member of the Missouri Community Service Commission, for a term ending December 15, 2021, and until her successor is duly appointed and qualified; vice, Reena Hajat Carroll, resigned.

Keith A. Holloway, Republican, 2514 Saddle Ridge Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2025, and until his successor is duly appointed and qualified; vice, David L. Steelman, term expired.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Schatz moved that the above appointments be returned to the Governor, per his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended, for **HCS** for **HB 362** and has taken up and passed **SCS** for **HCS** for **HB 362**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 53** and **60**, entitled:

An Act to repeal sections 56.380, 56.455, 57.280, 84.400, 105.950, 149.071, 149.076, 191.677, 191.1165, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 285.575, 304.050, 447.541, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 485.060, 488.029, 545.940, 549.500, 556.046, 557.051, 558.011, 558.026, 558.031, 558.046, 558.047, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.040, 575.050, 575.155, 575.157, 575.160, 575.205, 575.206, 575.270, 575.280, 576.030, 589.042, 590.030, 590.070, 590.500, 610.120, 610.140, 650.055, and 650.058, RSMo, and to enact in lieu thereof one hundred thirty new sections relating to the administration of justice, with penalty provisions, a delayed effective date for a certain section, and emergency clauses for certain sections.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as

amended, House Amendment No. 8, House Amendment No. 1 to House Amendment No. 10, and House Amendment No. 10, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 47, Section 285.575, Line 59, by inserting after all of said section and line the following:

“304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An “emergency vehicle” is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, [or] coroner, **medical examiner, or forensic investigator of the county medical examiner’s office**, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a

motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.”; and

Further amend said bill, Page 49, Section 304.050, Line 76, by inserting after all of said section and line the following:

“307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;

(d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner’s office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;

(c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term “utility worker” means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and

shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.”; and

Further amend said bill, Page 52, Section 455.010, Lines 63-66, by deleting said lines and inserting in lieu thereof the following:

“(b) “Course of conduct” means [a pattern of conduct composed of] two or more acts [over a period of time, however short,] that [serves] **serve** no legitimate purpose[. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact] **including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.**”; and

Further amend said bill, Page 89, Section 575.160, Line 6, by inserting after said section and line the following:

“575.180. 1. A law enforcement officer commits the offense of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he or she fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he or she is authorized and required by law to execute.

2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.

3. It shall be an affirmative defense to prosecution under this section that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under chapter 301, 302, 304, or 307 or a misdemeanor traffic offense in another state.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 3, Section 21.405, Line 20, by inserting after said line the following:

“3. Nothing in this section shall be construed to deprive any person of any right, privilege, or immunity guaranteed by the Constitution of the United States or the constitution of Missouri.”; and

Further amend said bill, Page 11, Section 210.143, Line 2, by deleting the phrase **“or prosecuting attorney”** and inserting in lieu thereof the phrase **“prosecuting attorney; or circuit attorney”**; and

Further amend said bill, Page 16, Section 210.1256, Line 5, by inserting after word **“children”** the words **“of the parents or guardians”**; and

Further amend said bill, Page 18, Section 210.1271, Line 2, by inserting after first instance of the word **“attorney”** the phrase **“or circuit attorney”**; and

Further amend said bill, Page 20, Section 211.012, Line 4, by inserting after all of said section and line

the following:

“211.072. 1. A juvenile under eighteen years of age who has been certified to stand trial as an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention facility, shall remain in a secure juvenile detention facility pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law unless otherwise ordered by the juvenile court. Upon the judgment dismissing the petition to allow prosecution under the general laws becoming final and adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to an adult jail. If the juvenile officer does not believe juvenile detention would be the appropriate placement or would continue to serve as the appropriate placement, the juvenile officer may file a motion in the adult criminal case requesting that the juvenile be transferred from a secure juvenile detention facility to an adult jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in a secure juvenile detention facility or being transferred to an adult jail. At such hearing, the following shall have the right to be present and have the opportunity to present evidence and recommendations at such hearing: the juvenile; the juvenile’s parents; the juvenile’s counsel; the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the pre-trial certified juvenile is proposed to be held, if different from the circuit in which the juvenile was certified; counsel for the juvenile officer; and representatives of the county proposed to have custody of the pre-trial certified juvenile.

2. Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility subject to all Missouri juvenile detention standards, or the court shall order that the pre-trial certified juvenile be held in an adult jail but only after the court has made findings that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail. The court shall weigh the following factors when deciding whether to detain a certified juvenile in an adult facility:

- (1) The certified juvenile’s age;**
- (2) The certified juvenile’s physical and mental maturity;**
- (3) The certified juvenile’s present mental state, including whether they present an imminent risk of self-harm;**
- (4) The nature and circumstances of the charges;**
- (5) The certified juvenile’s history of delinquency;**
- (6) The relative ability of the available adult and juvenile facilities to both meet the needs of the certified juvenile but to protect the public and other youth in their custody;**
- (7) The opinion of the juvenile officer in the circuit of the proposed placement as to the ability of that juvenile detention facility to provide for appropriate care, custody, and control of the pre-trial certified juvenile;**
- (8) Any other relevant factor.**

3. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every thirty days to determine whether the placement of the certified juvenile in an adult jail is still in the best interests of justice.

4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days unless the court finds, for good cause, that an extension is necessary or the juvenile, through counsel, waives the one hundred eighty day maximum period. If no extension is granted under this subsection, the certified juvenile shall be transferred from the adult jail to a secure juvenile detention facility.

5. Effective December 21, 2021, all previously pre-trial certified juveniles under eighteen years of age who had been certified prior to August 28, 2021, shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds, based upon the factors in subsection 2 of this section, that it would be in the best interest of justice to keep the juvenile in the adult jail.

6. All pre-trial certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement. The court shall consider the factors set out in subsection 2 of this section and the individuals set forth in subsection 1 of this section shall have a right to be present and present evidence. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a secure juvenile detention facility.

8. Issues related to the setting of, and posting of, bond along with any bond forfeiture proceedings shall be held in the pre-trial certified juvenile's adult criminal case.

9. Upon attaining eighteen years of age or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility.

10. Any responsibility for transportation of and contracted service for the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

11. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles who are being held in a secure juvenile detention facility.”; and

Further amend said bill, Page 25, Section 211.211, Line 43, by deleting said line and inserting in lieu thereof the following:

“(1) At any contested detention hearing under Missouri supreme court rule 127.08 where the petitioner alleges that the child violated any law that, if committed by an adult, would be a felony unless an”; and

Further amend said bill, Page 63, Section 479.162, Lines 4-5, by deleting the phrase **“police report or probable cause statement”** and inserting in lieu thereof the phrase **“police report, probable cause statement, or any video relevant to the traffic stop or arrest”**; and

Further amend said bill, page, and section, Line 5, by deleting the phrase “**police report or probable cause statement**” and inserting in lieu thereof the phrase “**police report, probable cause statement, or video**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 11, Section 191.1165, Lines 39-40, by deleting said lines and inserting in lieu thereof the following:

“disorders using standard diagnostic criteria by a social worker; licensed professional counselor; licensed psychologist; psychiatrist; or qualified addiction professional, as defined by the department of mental health, acting within the scope of practice for which the qualified addiction professional is credentialed. The department of corrections or entity”; and

Further amend said bill, page, and section, Line 53, by inserting after said section and line the following:

“192.2520. 1. Sections 192.2520 and 197.135 shall be known and may be cited as the “Justice for Survivors Act”.

2. As used in this section, the following terms shall mean:

- (1) “Appropriate medical provider”, the same meaning as used in section 595.220;
- (2) “Department”, the department of health and senior services;
- (3) “Evidentiary collection kit”, the same meaning as used in section 595.220;
- (4) “Forensic examination”, the same meaning as used in section 595.220;
- (5) “Telehealth”, the same meaning as used in section 191.1145.

3. No later than July 1, 2022, there shall be established within the department a statewide telehealth network for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. A statewide coordinator for the telehealth network shall be selected by the director of the department of health and senior services and shall have oversight responsibilities and provide support for the training programs offered by the network, as well as the implementation and operation of the network. **The statewide coordinator shall regularly consult with Missouri-based stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the training programs offered by the network, as well as the implementation and operation of the network.**

4. The network shall provide mentoring and educational training services, including:

- (1) Conducting a forensic examination of a victim of a sexual offense, in accordance with best practices, while utilizing an evidentiary collection kit;
- (2) Proper documentation, transmission, and storage of the examination evidence;
- (3) Utilizing trauma-informed care to address the needs of victims;
- (4) Utilizing telehealth technology while conducting a live examination; and

(5) Providing ongoing case consultation and serving as an expert witness in event of a trial.

The network shall, in the mentoring and educational training services provided, emphasize the importance of obtaining a victim's informed consent to evidence collection, including issues involving minor consent, and the scope and limitations of confidentiality regarding information gathered during the forensic examination.

5. The training offered [may] **shall** be made available [both] online [or in person], including the use of video conferencing technology to connect trained interdisciplinary experts with providers in a case-based learning environment, **and may also be made available in-person.**

6. The network shall, through telehealth services available twenty-four hours a day, seven days a week, by a SANE or another similarly trained appropriate medical provider, provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination of a victim of a sexual offense. The network shall ensure that the system through which the network provides telehealth services meets national standards for interoperability to connect to telehealth systems.

7. The department may consult and enter into any necessary contracts with any other local, state, or federal agency, institution of higher education, or private entity to carry out the provisions of this section, including, but not limited to, a contract to:

(1) Develop, implement, maintain, or operate the network;

(2) Train and provide technical assistance to appropriate medical providers on conducting forensic examinations of victims of sexual offenses and the use of telehealth services; and

(3) Provide consultation, guidance, or technical assistance to appropriate medical providers using telehealth services during a forensic examination of a victim of a sexual offense.

8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter 197 shall report to the department the following information for the previous year:

(1) The number of forensic examinations of victims of a sexual offense performed at the hospital;

(2) The number of forensic examinations of victims of a sexual offense requested to be performed by a victim of a sexual offense that the hospital did not perform and the reason why the examination was not performed;

(3) The number of evidentiary collection kits submitted to a law enforcement agency for testing; and

(4) After July 1, 2022, the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

The information reported under this subsection and subsection 9 of this section shall not include any personally identifiable information of any victim of a sexual offense or any appropriate medical provider performing a forensic examination of such victim.

9. Beginning January 1, 2022, and each year thereafter, the department shall make publicly available a report that shall include the information submitted under subsection 8 of this section. The report shall also include, in collaboration with the department of public safety, information about the number of evidentiary

collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the network outside of a hospital setting.

10. (1) The funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the department shall apply for available grants and shall be able to accept other gifts, grants, bequests, and donations to develop and maintain the network and the training offered by the network.

(2) There is hereby created in the state treasury the “Justice for Survivors Telehealth Network Fund”, which shall consist of any gifts, grants, bequests, and donations accepted under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department for the purpose of developing and maintaining the network and the training offered by the network. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The department shall promulgate rules and regulations in order to implement the provisions of this section, including, but not limited to, the following:

(1) The operation of a statewide telehealth network for forensic examinations of victims of sexual offenses;

(2) The development of training for appropriate medical providers conducting a forensic examination of a victim of a sexual offense; and

(3) Maintenance of records and data privacy and security of patient information.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

197.135. 1. Beginning January 1, 2023, **or no later than six months after the establishment of the statewide telehealth network under section 192.2520, whichever is later**, any hospital licensed under this chapter shall perform a forensic examination using an evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the victim’s guardian, when the victim is at least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of age shall be referred, **and victims fourteen years of age or older but less than eighteen years of age may be referred**, to a SAFE CARE provider, as such term is defined in section 334.950, for medical or forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a hospital from performing a forensic examination for a victim under fourteen years of age upon the request and consent of the victim or victim’s guardian, subject to the provisions of section 595.220 and the rules promulgated by the department of public safety.

2. **(1)** An appropriate medical provider, as such term is defined in section 595.220, shall perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any provider performing the examination has received training conducting such examinations that is, at a minimum, equivalent to the training offered by the statewide telehealth network under subsection 4 of section 192.2520. **Nothing**

in this section shall require providers to utilize the training offered by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to the training offered by the statewide telehealth network.

(2) If the provider is not a sexual assault nurse examiner (SANE), or another similarly trained physician or nurse, then the hospital shall utilize telehealth services during the examination, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who may observe the live forensic examination and who shall communicate with and support the onsite provider with the examination, forensic evidence collection, and proper transmission and storage of the examination evidence.

3. The department of health and senior services may issue a waiver of the telehealth requirements of subsection 2 of this section if the hospital demonstrates to the department, in writing, a technological hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to access telehealth services. Such waivers shall be granted sparingly and for no more than a year in length at a time, with the opportunity for renewal at the department's discretion.

4. The department shall waive the requirements of this section if the statewide telehealth network established under section 192.2520 ceases operation, the director of the department of health and senior services has provided written notice to hospitals licensed under this chapter that the network has ceased operation, and the hospital cannot, in good faith, comply with the requirements of this section without assistance or resources of the statewide telehealth network. Such waiver shall remain in effect until such time as the statewide telehealth network resumes operation or until the hospital is able to demonstrate compliance with the provisions of this section without the assistance or resources of the statewide telehealth network.

5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable costs of the examinations and the provision of the evidentiary collection kits.

6. No individual hospital shall be required to comply with the provisions of this section and section 192.2520 unless and until the department provides such hospital with access to the statewide telehealth network for the purposes of mentoring and training services required under section 192.2520 without charge to the hospital.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 3, Section 21.405, Line 20, by inserting after said section and line the following:

“27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall **not be required to** reside at the seat of government [and] **but shall** keep his office in the supreme court building[,] and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance

of his official duties, shall not engage in the practice of law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 2, Line 33, by inserting after all of the said line the following:

“Further amend said bill, Page 66, Section 545.940, Line 24, by inserting after all of said section and line the following:

“547.031. 1. A prosecuting or circuit attorney, in the jurisdiction in which a person was convicted of an offense, may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which the person was convicted shall have jurisdiction and authority to consider, hear, and decide the motion.

2. Upon the filing of a motion to vacate or set aside the judgment, the court shall order a hearing and shall issue findings of fact and conclusions of law on all issues presented. The attorney general shall be given notice of hearing of such a motion by the circuit clerk and shall be permitted to appear, question witnesses, and make arguments in a hearing of such a motion.

3. The court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings, including state or federal habeas actions; and the information and evidence presented at the hearing on the motion.

4. The prosecuting attorney or circuit attorney shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The attorney general may file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Pages 36-37, Section 217.690, Lines 39-90, by deleting said lines and inserting in lieu thereof the following:

“6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under eighteen years of age at the time of the commission of the offense or offenses may be eligible for parole after serving fifteen years of incarceration, regardless of whether the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations promulgated

by the parole board.

7. The provisions of subsection 6 shall not apply to an offender found guilty of murder in the first degree or capital murder who was under eighteen years of age when the offender committed the offense or offenses who may be found ineligible for parole or whose parole eligibility may be controlled by section 558.047 or 565.033.

8. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

[7.] **9.** A victim who has requested an opportunity to be heard shall receive notice that the **parole** board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

[8.] **10.** Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a **parole** board member at the **parole** board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The **parole** board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

[9.] **11.** The **parole** board shall notify any person of the results of a parole eligibility hearing if the person indicates to the **parole** board a desire to be notified.

[10.] **12.** The **parole** board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

[11.] **13.** Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The **parole** board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. **Parole** board rules shall permit parole conditions to be modified by parole officers with review and approval

by supervisors.

[12.] **14.** Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

[13.] **15.** Beginning January 1, 2001, the **parole** board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the **parole** board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

[14.] **16.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend said bill, Page 38, Section 217.692, Line 33, by deleting the number “8” and inserting in lieu thereof the numbers “[8] 10”; and

Further amend said bill, Pages 94-100, Section 590.500, Lines 1-198, by deleting said lines and inserting in lieu thereof the following:

“590.502. 1. For purposes of this section, the following shall mean:

(1) “Administering authority”, any individual or body authorized by a law enforcement agency to hear and make final decisions regarding appeals of disciplinary actions issued by such agency;

(2) “Color of law”, any act by a law enforcement officer, whether on duty or off duty, that is performed in furtherance of his or her sworn duty to enforce laws and to protect and serve the public;

(3) “Economic loss”, any economic loss including, but not limited to, loss of overtime accrual, overtime income, sick time accrual, sick time, secondary employment income, holiday pay, and vacation pay;

(4) “Good cause”, sufficient evidence or facts that would support a party’s request for extensions of time or any other requests seeking accommodations outside the scope of the rules set out herein;

(5) “Law enforcement officer”, any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84. “Law enforcement officer” shall not include any officer who is the highest ranking officer in the law enforcement agency.

2. Whenever a law enforcement officer is under administrative investigation or is subjected to administrative questioning that the officer reasonably believes could lead to disciplinary action, demotion, dismissal, transfer, or placement on a status that could lead to economic loss, the investigation or questioning shall be conducted under the following conditions:

(1) The law enforcement officer who is the subject of the investigation shall be informed, in writing, of the existence and nature of the alleged violation and the individuals who will be conducting the investigation. Notice shall be provided to the officer along with a copy of the complaint at least twenty-four hours prior to any interrogation or interview of the officer;

(2) Any person, including members of the same agency or department as the officer under investigation, filing a complaint against a law enforcement officer shall have the complaint supported by a written statement outlining the complaint that includes the personal identifying information of the person filing the complaint. All personal identifying information shall be held confidential by the investigating agency;

(3) When a law enforcement officer is questioned or interviewed regarding matters pertaining to his or her law enforcement duties or actions taken within the scope of his or her employment, such questioning shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances exist that necessitate questioning the officer while he or she is off duty;

(4) Any interviews or questioning shall be conducted at a secure location at the agency that is conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location;

(5) Law enforcement officers shall be questioned by up to two investigators and shall be informed of the name, rank, and command of the investigator or investigators conducting the investigation; except that, separate investigators shall be assigned to investigate alleged department policy violations and alleged criminal violations;

(6) Interview sessions shall be for a reasonable period of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary;

(7) Prior to an interview session, the investigator or investigators conducting the investigation shall advise the law enforcement officer of the rule set out in *Garrity v. New Jersey*, 385 U.S. 493 (1967), specifically that the law enforcement officer is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in criminal proceedings;

(8) Law enforcement officers shall not be threatened, harassed, or promised rewards to induce them into answering any question; except that, law enforcement officers may be compelled by their employer to give protected *Garrity* statements to an investigator under the direct control of the employer, but such compelled statements shall not be used or derivatively used against the officer in any aspect of a criminal case brought against the officer;

(9) Law enforcement officers under investigation are entitled to have an attorney or any duly authorized representative present during any questioning that the law enforcement officer reasonably believes may result in disciplinary action. The attorney or representative shall be permitted to confer with the officer but shall not unduly disrupt or interfere with the interview. The questioning shall be suspended for a period of up to twenty-four hours if the officer requests representation;

(10) Prior to the law enforcement officer being interviewed, the officer and his or her attorney or representative shall have the opportunity to review the complaint;

(11) Law enforcement officers or their designated representative shall have the right to bring their own recording device and may record all aspects of the interview;

(12) The law enforcement agency conducting the investigation shall have ninety days from receipt of a citizen complaint or from the date the agency became aware of the alleged conduct upon which the allegation rests to complete such investigation. The agency shall determine the disposition of the complaint and render a disciplinary decision, if any, within ninety days. The agency may, for good cause, petition the administering authority overseeing the administration of discipline for an extension of time to complete the investigation. If the administering authority finds the agency has shown good cause for the granting of an extension of time to complete the investigation, the administering authority shall grant an extension of up to sixty days. The agency is limited to two extensions per investigation; except that, if there is an ongoing criminal investigation there shall be no limitation on the amount of sixty-day extensions. For good cause shown, the internal investigation may be tolled until the conclusion of a concurrent criminal investigation arising out of the same alleged conduct. Absent consent from the officer being investigated, the administering authority overseeing the administration of discipline shall set the matter for hearing and shall provide notice of the hearing to the law enforcement officer under investigation. The officer shall have the right to attend the hearing and to present evidence and arguments against extension;

(13) Within five days of the conclusion of the administrative investigation, the investigator shall inform the officer, in writing, of the investigative findings and any recommendation for further action, including discipline;

(14) A complete record of the administrative investigation shall be kept by the law enforcement agency conducting such investigation. Upon completion of the investigation, a copy of the entire record, including, but not limited to, audio, video, and transcribed statements, shall be provided to the officer or the officer's representative within five business days of the officer's written request. The agency may request a protective order to redact all personal identifying witness information; and

(15) All records compiled as a result of any investigation subject to the provisions of this section shall be held confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order, by release approved by the officer, or as provided in section 590.070.

3. Law enforcement officers who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss shall be entitled to a full due process hearing. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided for this section. The components of the hearing shall include, at a minimum:

(1) The right to be represented by an attorney or other individual of their choice during the hearing;

(2) The right of the law enforcement officer or his or her attorney to conduct discovery prior to the hearing. Depositions may be taken in the same manner and under the same conditions as provided for in the Missouri civil rules of civil procedure for civil cases in the circuit court. Subpoenas may be issued by the board conducting the hearing or by the circuit court or the office of the clerk for the county where the agency has its principal place of business;

(3) Seven days' notice of the hearing date and time;

(4) An opportunity to access and review documents, at least seven days in advance of the hearing, that are in the employer's possession and that were used as a basis for the disciplinary action;

(5) The right of the law enforcement officer or his or her attorney to present witnesses and evidence in the officer's defense and a right to cross-examine any adverse witnesses against the officer;

(6) The right to refuse to testify at the hearing if the officer is concurrently facing criminal charges in connection with the same incident. A law enforcement officer's decision not to testify shall not result in additional internal charges or discipline;

(7) A complete record of the hearing shall be kept by the agency for purposes of appeal. The record shall be provided to the officer or his or her attorney upon written request;

(8) The entire record of the hearing shall remain confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order.

4. Any decision, order, or action taken following the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, shall be delivered or mailed promptly to the law enforcement officer or to the officer's attorney or representative of record.

5. Law enforcement officers shall have the opportunity to provide a written response to any adverse materials placed in their personnel file, and such written response shall be permanently attached to the adverse material.

6. Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

7. Law enforcement officers may petition the circuit court in the county in which the law enforcement agency has its principal place of business to review the decision of the administrative body hearing the appeal of discipline. Upon a finding that the discipline was not justified, the circuit court may award the law enforcement officer back pay and costs incurred in bringing the suit, including attorney's fees.

8. Employers shall defend and indemnify law enforcement officers from and against civil claims made against them in their official and individual capacities if the alleged conduct arose in the course and scope of their obligations and duties as law enforcement officers. This includes any actions taken off duty if such actions were taken under color of law. In the event the law enforcement officer is convicted of, or pleads guilty to, criminal charges arising out of the same conduct, the employer shall no longer be obligated to defend and indemnify the officer in connection with related civil claims.

9. Law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or placed on a status resulting in economic loss as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrong-doing, in which case the provisions of this section shall not apply.

10. No state or local governmental unit including, but not limited to, a county, charter county, city,

charter city, municipality, district, college, university, or any other political subdivision that employs a law enforcement officer shall enact, promulgate, enforce, or follow any law, regulation, or policy that would abolish, conflict with, modify, or in any way diminish any right or remedy provided to law enforcement officers under this section.

11. The rights set out in this section are minimum standards to be applied throughout the state. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided in this section.

12. Any aggrieved law enforcement officer or authorized representative may seek judicial enforcement of the requirements of this section. Suits to enforce this section shall be brought in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business.

13. Upon a finding by a preponderance of the evidence that a law enforcement agency, governmental body, or member of same has violated any provision of this section, a court shall void any action taken in violation of this section. The court may also award the law enforcement officer the costs of bringing the suit including, but not limited to, attorneys' fees. A lawsuit for enforcement shall be brought within one year from which the violation is ascertainable.

14. Nothing in this section shall apply to any investigation or other action by the director regarding a license issued by the director under this chapter.

15. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 2, Line 1, by inserting after said line the following:

“Further amend said bill and section, Page 105, Line 121, by inserting after the phrase “order of expungement.” the following:

“For purposes of 18 U.S.C. 921(a)(3)(B)(ii), an order or expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 102, Section 610.120, Line 30, by inserting after said section and line the following:

“610.122. 1. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503 may be expunged if:

(1) The court determines that the arrest was based on false information and the following conditions

exist:

(a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

(b) No charges will be pursued as a result of the arrest; and

(c) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; or

(2) The court determines the person was arrested for, or was subsequently charged with, a misdemeanor offense of chapter 303 or any moving violation as the term moving violation is defined under section 302.010, except for any intoxication-related traffic offense as intoxication-related traffic offense is defined under section 577.023 and:

(a) Each such offense or violation related to the arrest was subsequently nolle prossed or dismissed, or the accused was found not guilty of each offense or violation; and

(b) The person is not a commercial driver's license holder and was not operating a commercial motor vehicle at the time of the arrest.

2. A record of arrest shall only be eligible for expungement under this section if[

(1) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions; and

(2)] no civil action is pending relating to the arrest or the records sought to be expunged.”; and

Further amend said bill, Page 104, Section 610.140, Lines 79-84, by deleting said lines and inserting in lieu thereof the following:

“(1) At the time the petition is filed, it has been at least [seven] **three** years if the offense is a felony, or at least [three years] **one year** if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) **At the time the petition is filed**, the person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters **301, 302, 303, 304, and 307**, during the”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 1, Line 34, by inserting after the phrase “**judge of the county.**” the following:

“If there is an increase in salary of less than ten thousand dollars, the increase shall take effect on January 1, 2022. If there is an increase of ten thousand dollars or more, the increase shall be paid over a period of five years in twenty percent increments per year.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 3, Section 21.405, Line 20, by inserting after all of said section and line the following:

“50.327. 1. Notwithstanding any other provisions of law to the contrary, the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, [57.317,] 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials’ salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742 may be increased by up to two thousand dollars greater than the compensation provided by the salary schedules; provided, however, that any vote to increase compensation be effective for all county offices in that county **subject to the salary commission.**

[3. Upon majority approval of the salary commission, the annual compensation of a county sheriff as provided in section 57.317 may be increased by up to six thousand dollars greater than the compensation provided by the salary schedule of such section.

4. The salary commission of any county of the third classification may amend the base schedules for the computation of salaries for county officials referenced in subsection 1 of this section to include assessed valuation factors in excess of three hundred million dollars; provided that the percentage of any adjustments in assessed valuation factors shall be equal for all such officials in that county.]”; and

Further amend said bill, Page 6, Section 57.280, Line 61, by inserting after said section and line the following:

“57.317. 1. **(1)** The county sheriff in any county[, other than in a] **of the first or second** classification [chartered county,] shall receive an annual salary **equal to eighty percent of the compensation of an associate circuit judge of the county.**

(2) The county sheriff in any county of the third or fourth classification shall receive an annual salary computed as [set forth in] the following [schedule] percentages of the compensation of an associate circuit judge of the county. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff [on January 1, 1997] **from the prior year.**

Assessed Valuation

[Salary] Percentage

\$18,000,000 to [40,999,999

\$36,000

41,000,000 to 53,999,999	37,000
54,000,000 to 65,999,999	38,000
66,000,000 to 85,999,999	39,000
86,000,000 to] 99,999,999	[40,000] 45%
100,000,000 to [130,999,999	42,000
131,000,000 to 159,999,999	44,000
160,000,000 to 189,999,999	45,000
190,000,000 to] 249,999,999	[46,000] 50%
250,000,000 to [299,999,999	48,000
300,000,000 to] 449,999,999	[50,000] 55%
450,000,000 to [599,999,999	52,000
600,000,000 to 749,999,999	54,000
750,000,000 to] 899,999,999	[56,000] 60%
900,000,000 [to 1,049,999,999	58,000
1,050,000,000 to 1,199,999,999	60,000
1,200,000,000 to 1,349,999,999	62,000
1,350,000,000] and over	[64,000] 65%

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association

approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county[,] other than a [first classification] charter county[,] shall not[, except upon two-thirds vote of all the members of the salary commission,] receive an annual compensation less than the [total] compensation [being received for the office of county sheriff in the particular county for services rendered or performed on the date the salary commission votes] **described under this section.**"; and

Further amend said bill, Page 12, Section B, Line 1, by deleting the words "section 304.050" and inserting in lieu thereof the phrase "sections 50.327, 57.317, and 304.050"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 49, Section 304.050, Line 76, by inserting after all of said section and line the following:

"304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the

abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under section 577.080;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's [timely] removal **within forty-eight hours of such person's arrest**;

(6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard;

(8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010 where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water; or

(9) Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.

2. The department of transportation or any law enforcement officer within the officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the right-of-way of any interstate highway, freeway, or state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the interstate highway, freeway, or state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.

4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing

and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

(1) The year, model, make and property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the property noted by the officer authorizing the tow;

(3) The license plate or registration number and the state of issuance, if available;

(4) The storage location of the towed property;

(5) The name, telephone number and address of the towing company;

(6) The date, place and reason for the towing of the abandoned property;

(7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;

(8) The signature and printed name of the officer authorizing the tow;

(9) The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and

(10) Any additional information the director of revenue deems appropriate.

7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date

of the tow or removal.

8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, any towing company who has complied with the notification provisions in section 304.156 including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the

towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale pursuant to this section.”; and

Further amend said bill, Page 93, Section 590.075, Line 9, by inserting after said section and line the following:

“590.120. 1. There is hereby established within the department of public safety a “Peace Officer Standards and Training Commission” which shall be composed of eleven members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No more than two members of the POST commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the POST commission shall be police chiefs, three members shall be sheriffs, one member shall represent a state law enforcement agency covered by the provisions of this chapter, two members shall be peace officers at or below the rank of sergeant employed by a political subdivision, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession certified or regulated under this chapter. Each member of the POST commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by this chapter. No member of the POST commission serving a full term of three years may be reappointed to the POST commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the POST commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the POST commission shall be for three years or until their successors are appointed. The director may remove any member of the POST commission for misconduct or neglect of office. Any member of the POST commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the POST commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term. No two members of the POST commission shall be employees of the same law enforcement agency.

3. Annually the director shall appoint one of the members as chairperson. The POST commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the POST commission shall constitute a quorum.

4. No member of the POST commission shall receive any compensation for the performance of his official duties.

5. The director shall employ staff as the director deems necessary including, but not limited to, no fewer than one POST investigator for each administrative hearing commissioner.

6. The POST commission shall guide and advise the director concerning duties pursuant to this

chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 1, Line 13, by inserting after the word “**excluding**” the words “**individuals seeking mental health, psychiatric, or psychological care and**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 79, Section 559.607, Line 21, by inserting after all of said line the following:

“565.058. 1. Any special victim as defined under section 565.002 shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

2. Any special victim as defined under section 565.002 may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.”; and

Further amend said bill, Page 86, Section 574.110, Line 7, by inserting after all of said line the following:

“574.203. 1. Except as otherwise protected by state or federal law, a person, excluding any person who is developmentally disabled as defined in section 630.005, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by:

(1) Causing a peace disturbance while inside a health care facility;

(2) Refusing an order to vacate a health care facility when requested to by any employee of the health care facility;

(3) Threatening to inflict injury on the patients or employees, or damage to the property of a health care facility.

2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, “health care facility” means a hospital that provides health care services directly to patients.

574.204. 1. Except as otherwise protected by state or federal law, a person commits the offense of

interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance.

2. The offense of interference with an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1202—Small Business and Industry.

HCS for HB 682—General Laws.

HB 445—Transportation, Infrastructure and Public Safety.

HB 395—Agriculture, Food Production and Outdoor Resources.

HB 447—Progress and Development.

HCS for HB 814—Insurance and Banking.

HCS for HB 1358—General Laws.

HB 1008—Judiciary and Civil and Criminal Jurisprudence.

HB 764—General Laws.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Randall Brian Walker, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Glen Kolkmeier, as a member of the Public Service Commission;

Also,

Dan Manley, Independent, as a member of the Missouri Fire Safety Education/Advisory Commission;

Also,

R. Bradley Weaver, Independent, as a member of the State Banking and Savings and Loan Board;

Also,

Lowell K. Wood, III, as a member of the Missouri Real Estate Commission;

Also,

Dale Hardy Roberts, as a member of the State Board of Mediation;

Also,

Jill C. Irvin, as a member of the Child Abuse and Neglect Review Board; and

Michelle Luster, as a member of the Board of Cosmetology and Barber Examiners.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Schatz referred **HB 834** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 585**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HCS for HB 334**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS for HB 508**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following

report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS** for **HB 162**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HCS** for **HBs 1123** and **1221**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 402**, **HCS** for **HB 649**, with **SCS**, and **HCS** for **HBs 85** and **310**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 352**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 911**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 320**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 825**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

PRIVILEGED MOTIONS

Senator Luetkemeyer moved that the Senate refuse to concur in **SS** for **SCS** for **SBs 53** and **60**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate

a conference thereon, which motion prevailed.

Senator Bean moved that the Senate refuse to concur in **SS** for **SB 141**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 542 introduced by Representative Shields, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to the occupational therapy licensure compact.

Was called from the Informal Calendar and taken up by Senator Burlison.

Senator Burlison offered **SS** for **HB 542**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 542

An Act to repeal sections 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, and 338.710, RSMo, and to enact in lieu thereof twelve new sections relating to professional registration.

Senator Burlison moved that **SS** for **HB 542** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 542, Page 48, Section 338.710, Line 31, by inserting after all of said line the following:

“339.150. 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or
(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;
(b) Consented to the jurisdiction of Missouri and the commission;
(c) Consented to disciplinary procedures under section 339.100; and
(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed

real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. Notwithstanding provisions of this chapter to the contrary, a broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives compensation from a broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:

(1) Solely by the licensee;

(2) By the licensee together with the licensee's spouse, but only if the spouse and licensee are both licensed and associated with the same broker, or the spouse is not also licensed; or

(3) By the licensee and one or more other licensees, but only if all such owners are licensees which are associated with the same broker.

5. For purposes of subsection 4 of this section, the following terms shall mean:

(1) "Business entity", any corporation, partnership, limited partnership, limited liability company, professional corporation, or association;

(2) "Licensee", any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010."; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 542, Page 46, Section 327.612, Line 12, by inserting after all of said line the following:

"333.041. 1. [Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board shall register with the board

as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3.] Each applicant for a **student** license to practice embalming shall **submit an application to the state board of embalmers and funeral directors, pay all application fees, and** furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; **and**

(2) **Is currently enrolled in a funeral service education program or** has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. [If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

(3) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

(4) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.]

2. After a student's application has been approved by the board, student licensees who are enrolled in a funeral service education program may assist, under the direct supervision of an

embalmer or funeral director licensed under this chapter, in an establishment licensed for embalming under this chapter. Student licensees shall not assist when not under such supervision.

3. In order to be eligible for full licensure under subsection 6 of this section, a student licensee shall, after completing a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board, demonstrate that he or she has completed an apprenticeship of no less than six months and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who is licensed under this chapter.

4. In order to be eligible for full licensure under subsection 6 of this section, a student licensee shall pass the National Board or State Board Arts examination, National Board Science examination, and the Missouri law examination.

5. A student licensee shall have five years to complete the requirements for full licensure under subsection 6 of this section. If the student fails to complete the requirements within such period, the student's application for licensure shall be cancelled. If the application is cancelled, the student shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application. If the student licensee completes the requirements of this section within five years, the student licensee may apply for an embalmer license by completing the appropriate application.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury. **No student licensee or embalmer licensed under this chapter shall be required to sign a death certificate as the embalmer of the body for any body that they have embalmed. This provision does not relieve a person who holds both an embalmer and funeral director's license from signing the death certificate as the funeral director in charge if otherwise required to do so.**

333.042. 1. Every person desiring to engage in the practice of funeral directing as an apprentice in this state shall obtain a provisional funeral director license from the board. To apply for a provisional license, the applicant shall make application with the state board of embalmers and funeral directors and pay the current application fees and furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age; and

(2) Is working as an apprentice funeral director under personal supervision of a funeral director licensed under this chapter.

The applicant shall provide to the board the name and license number of the funeral director performing his or her supervision and the location where the applicant will practice.

2. An applicant for a provisional funeral director license under subsection 1 of this section shall have twenty-four months to complete the requirements for licensure under this section. If the applicant fails to complete the requirements within such period, the student's application for licensure shall be cancelled. If the application is cancelled, the applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application.

3. Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors, [and] pay the current application [and examination] fees, [. Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 or 324.009 shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be cancelled.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application and examination fee and successfully complete the Missouri law examination. He or she shall be exempt from the twelve-month apprenticeship required by subsection 1 of this section and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has completed a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board or has successfully completed a course of study in funeral directing offered by an institution accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve-month apprenticeship required by subsection 1 of this section] and furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) Has successfully completed:

(a) A program accredited by the American Board of Funeral Service Education, any successor

organization, or other accrediting entity as approved by the board;

(b) A course of study in funeral directing offered by an institution accredited by a recognized national, regional, or state accrediting body and approved by the state board of embalmers or funeral directors; or

(c) A qualifying apprenticeship for at least twelve months; and

(3) Has passed the National Board or State Board Arts examination and the Missouri law examination.

For purposes of this subsection, a qualifying apprenticeship means one in which the applicant devoted at least fifteen hours per week to his or her duties as an apprentice under the personal supervision of a funeral director licensed under this chapter in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead under this chapter. Personal supervision means that the licensed funeral director shall be physically present during any arrangement conferences, but such person shall not be required to be present in the building when the apprentice performs any other functions relating to the practice of funeral directing. In order for an apprenticeship to qualify under this subsection, applicants shall arrange and conduct at least ten funeral services under the supervision of a funeral director licensed under this chapter and present proof of such performance to the board on forms provided by the board.

4. Every person desiring to obtain a funeral director limited license in this state shall make application with the state board of embalmers and funeral directors and pay the current application fees and furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age; and

(2) Has successfully completed the Missouri law examination.

5. A person holding a funeral director limited license shall not be authorized to practice funeral directing in the state, except as follows:

(1) He or she may work in a funeral establishment licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment; and

(2) He or she may perform cremations and duties relating to cremations.

6. If a person has a funeral director limited license issued under this section, he or she may obtain a full funeral director's license by fulfilling the apprenticeship requirements of subsection 3 of this section or by successfully completing a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board and successfully completing the National Board or State Board Arts examination.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a **funeral establishment** license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly

licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have a register book or log which shall be available at all times for the board's inspector and that shall contain:

(a) The name of each body that has been in the establishment;

(b) The date the body arrived at the establishment;

(c) If applicable, the place of embalming, if known; and

(d) If the body was embalmed at the establishment, the date and time that the embalming took place, and the name, signature, and license number of the embalmer; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

5. The board may refuse to renew or may suspend or revoke any license issued pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any of the requirements set forth in this section as conditions for the issuance of a license, or for the violation by the owner of the funeral establishment of any of the provisions of section 333.121. No new license shall be issued to the owner of a funeral establishment or to any corporation controlled by such owner for three years after the revocation of the license of the owner or of a corporation controlled by the owner. Before any action is taken pursuant to this subsection the procedure for notice and hearing as prescribed by section 333.121 shall be followed.

6. Beginning November 1, 2021, each funeral establishment licensed by the board under this section to make funeral arrangements shall also be a licensed provider for preneed funeral contracts under section 333.315 unless a licensee provides written notification to the board that the licensee does not want to be a provider for preneed funeral contracts. No separate application or renewal of the preneed provider license shall be necessary so long as the funeral establishment license is current and active and that, as part of the application or renewal of the funeral establishment license, the licensee provides the name and address of the custodian of records responsible for maintaining the books and records of the licensee relating to preneed contracts and the names and addresses of each seller authorized by the licensee to sell preneed contracts in which the licensee is designated or obligated as the provider. A licensee that has notified the board that it does not want to be a provider for preneed funeral contracts may rescind that notification in a writing to the board that includes the custodian of records responsible for maintaining the books and records of the licensee relating to

preneed contracts and the names and addresses of each seller authorized by the licensee to sell preneed contracts in which the licensee is designated or obligated as the provider.

333.081. 1. Each license issued to a funeral director, [or] embalmer, **or funeral establishment** pursuant to this chapter shall expire unless renewed on or before the renewal date. The board may, however, provide for the renewal of licenses held by individuals who are not actively engaged in practice and who are over sixty-five years of age without fee. The board shall renew any such license upon due application for renewal and upon the payment of the renewal fee, except that no license shall expire during the period when the holder thereof is actively engaged in the military service of the United States. Any licensee exempted from the renewal of his or her license because of military service shall, before beginning practice in this state after leaving military service, apply for and pay the renewal fee for the current licensing period.

2. When renewing a funeral director's or embalmer's license the licensee shall specify the address of the funeral establishment at which he or she is practicing or proposes to practice and shall notify the board of any termination of his or her connection therewith. The licensee shall notify the board of any new employment or connection with a funeral establishment of a permanent nature. If the licensee is not employed at or connected with a funeral establishment he shall notify the board of his or her permanent address.

3. The holder of an expired license shall be issued a new license by the board within two years of the renewal date after he or she has paid delinquent renewal fees. Any license not renewed within two years shall be void.

4. Failure of the licensee to receive the renewal notice shall not relieve the licensee of the duty to pay the renewal fee and renew his or her license.

333.315. 1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

2. An applicant for a preneed provider license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(3) Identify the name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

(4) Identify the name and address of each seller authorized by the provider to sell preneed contracts in which the provider is designated or obligated as the provider;

(5) File with the state board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the provider's books and records which contain information concerning preneed contracts sold for or on behalf of a seller or in which the applicant is named as a provider; and

(6) If the applicant is a corporation, each officer, director, manager, or controlling shareholder shall be eligible for licensure if they were applying for licensure as an individual.

Funeral establishments licensed under section 333.031 shall be exempt from the requirements of this subsection.

3. Each preneed provider shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board by rule;

(2) Pay a renewal fee in an amount established by the board by rule, however no renewal fee shall be required for any funeral establishment whose Missouri license is current and active;

(3) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(4) File an annual report with the state board which shall contain:

(a) The name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

(b) The business name or names used by the provider and all addresses from which it engages in the practice of its business;

(c) The name and address of each seller with whom it has entered into a written agreement since last filing an annual report with the board authorizing the seller to designate or obligate the licensee as the provider in a preneed contract; and

(d) Any information required by any other applicable statute or regulation enacted pursuant to state or federal law.

4. A license which has not been renewed as provided by this section shall expire. A licensee who fails to apply for renewal may apply for reinstatement within two years of the renewal date by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board by rule.

5. A preneed provider license held by a licensed funeral establishment shall automatically renew with the renewal of the funeral establishment license.”; and

Further amend said bill, page 48, section 338.710, line 31, by inserting after all of said line the following:

“339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee’s designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, or for any offense an essential element of which is fraud, dishonesty or an act of violence, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which:

(a) Is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; **or**

(b) Includes a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a business entity licensed under this chapter with whom the licensee is associated. The context of the advertisement or solicitation may be considered by the commission when determining whether a

licensee has committed a violation of this paragraph;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, “material” means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson’s license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Bean assumed the Chair.

Senator Razer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 542, Page 48, Section 337.068, Line 44, by inserting after all of said line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM",

“VMD”, “BVSe”, “BVMS”, “BSe (Vet Science)”, “VMB”, “MRCVS”, or an equivalent title means a person who has received a doctor’s degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient’s [primary] health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.”; and

Further amend said bill and page, section 338.710, line 31, by inserting after all of said line the following:

“338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.

2. For purposes of this section, “postexposure prophylaxis” shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.

3. For purposes of this section, “CDC guidelines” shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.

4. The state board of registration for the healing arts and the state board of pharmacy shall jointly

promulgate rules and regulations for the administration of this section. Neither board shall separately promulgate rules governing a pharmacist's authority to dispense HIV postexposure prophylaxis under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 542, Page 48, Section 337.068, Line 44, by inserting after all of said line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; **the administration of vaccines by written protocol authorized by a physician for the prevention of COVID-19 as authorized or approved by the United States Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Center for Disease Control and Prevention except that the administration of vaccines in a pharmacy shall not be delegated to a person who is not a licensed pharmacist under this chapter;** the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will

be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by

a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.";

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted.

Senator Razer offered **SA 1** to **SA 4**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for House Bill No. 542, Page 6, Line 171, by

inserting after all of said line the following:

“Further amend said bill, page 48, section 338.710, line 31, by inserting after all of said line the following:

“Section B. Because of the necessity for accessible vaccines for Missourians during the COVID-19 pandemic, the repeal and reenactment of section 338.010 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 338.010 of section A of this act shall be in full force and effect upon its passage and approval.”; and”.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Razer moved that SA 4, as amended, be adopted, which motion prevailed.

Senator Hegeman offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 542, Page 1, Section A, Line 6, by inserting after all of said line the following:

“135.690. 1. As used in this section, the following terms mean:

(1) “Community-based faculty preceptor”, a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

(2) “Department”, the Missouri department of revenue;

(3) “Division”, the division of professional registration of the Missouri department of commerce and insurance;

(4) “Federally Qualified Health Center (FQHC)”, a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(5) “Medical student”, an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the American Osteopathic Association;

(6) “Medical student core preceptorship” or “physician assistant student core preceptorship”, a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology, under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) “Physician assistant student”, an individual participating in a Missouri physician assistant

program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;

(8) “Taxpayer”, any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2022, any community-based faculty preceptor who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a taxpayer’s income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the division is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect as of January 1, 2022, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the “Medical Preceptor Fund”, which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by

the division for the administration of the tax credit program authorized under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state's general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The division shall administer the tax credit program authorized under this section and certify rotations for the tax credit. Each taxpayer claiming a tax credit under this section shall file an affidavit with his or her income tax return, affirming that he or she is eligible for the tax credit.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

5. The department of commerce and insurance and the department of revenue shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Burlison moved that **SS** for **HB 542**, as amended, be adopted, which motion prevailed.

Senator Burlison moved that **SS** for **HB 542**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **HB 542**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 330**, entitled:

An Act to repeal sections 191.1145, 191.1146, 324.009, 324.012, 324.200, 324.206, 324.520, 327.011,

327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 332.071, 333.041, 333.042, 333.061, 333.081, 333.315, 334.036, 334.104, 334.108, 334.506, 334.530, 334.613, 334.655, 335.175, 337.068, 339.100, 339.150, 376.1900, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof forty-nine new sections relating to licensed professionals, with penalty provisions and a delayed effective date for a certain section.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 330, Page 1, Section A, Line 12, by inserting after all of said section and line the following:

“135.690. 1. As used in this section, the following terms mean:

(1) “Community-based faculty preceptor”, a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

(2) “Department”, the Missouri department of revenue;

(3) “Division”, the division of professional registration of the Missouri department of commerce and insurance;

(4) “Federally Qualified Health Center (FQHC)”, a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(5) “Medical student”, an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the American Osteopathic Association;

(6) “Medical student core preceptorship” or “physician assistant student core preceptorship”, a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology, under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) “Physician assistant student”, an individual participating in a Missouri physician assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;

(8) “Taxpayer”, any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter

143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2022, any community-based faculty preceptor who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a taxpayer's income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the division is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect as of January 1, 2022, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the "Medical Preceptor Fund", which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the division for the administration of the tax credit program authorized under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state's general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The division shall administer the tax credit program authorized under this section and certify rotations for the tax credit. Each taxpayer claiming a tax credit under this section shall file an affidavit with his or her income tax return, affirming that he or she is eligible for the tax credit.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

5. The department of commerce and insurance and the department of revenue shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 330, Page 3, Line 21, by deleting said line and inserting in lieu thereof the following:

“by the nearest adjacent corners on opposite sides of the quarter-section corner to be established.

89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements for the posting of bonds, letters of credit or escrows for subdivision-related improvements as provided for in subsections 2 to 5 of this section.

2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility

installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council shall accept, at the option of the developer, an escrow secured with cash or an irrevocable letter of credit deposited with the city, town, or village. The city, town, or village may accept a surety bond, and such bond shall be in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond. The release of any such escrow, letter of credit, or bond by the city, town or village shall be as specified in this section. The council may enforce the escrow or bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest. **The regulations shall not require the creation of any private indentures, declarations, covenants, regulations or homeowners' associations. Any such private indentures, declarations, covenants, regulations or homeowners' associations that a developer may choose to create shall not be subject to the regulations. However, the regulations may require script on a plat to provide for the common maintenance of shared and privately maintained infrastructure.**

3. The regulations shall provide that in the event a developer who has posted an escrow, or letter of credit, or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow, letter of credit, or bond, the municipality shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or letter of credit held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the city, town, or village shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The city, town, or village may accept a surety bond from the successor developer in the form allowed in subsection 2 of this section and in the amount of the bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement bond, the city, town, or village shall release the original bond in full, and release the prior developer from all further obligations with respect to the subdivision improvements.

4. The regulations shall provide that any escrow or bond amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection. Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds or bond amount are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds or bond amount are hand delivered to an authorized person or place as specified by the owner or developer.

5. If the city, town or village has not released the escrow funds or bond amount within thirty days as provided in this section or provided a timely inspection of the improvements or utility work after request for such inspection, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds or bond amount have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

6. Nothing in this section shall apply to performance, maintenance and payment bonds required by cities, towns or villages.

7. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.

8. The provisions of subsection 2 of this section requiring the acceptance of an escrow secured by cash or an irrevocable letter of credit, rather than a surety bond, at the option of the developer, all of the provisions of subsection 3 of this section, and the provisions of subsections 4 and 5 of this section regarding an inspection of improvements or utility work within twenty business days shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.

9. Notwithstanding the provisions of section 290.210 to the contrary, improvements secured by escrow, letter of credit, or bond as provided in this section shall not be subject to the terms of sections 290.210 to 290.340 unless they are paid for wholly or in part out of public funds.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 330, Page 1, Section A, Line 12, by inserting after all of said section and line the following:

“60.301. Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) “Corners of the United States public land survey”, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner [and] , meander corner, **and center of section**;

(2) “Existent corner”, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) “Lost corner”, a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) “Monument”, the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) “Obliterated, decayed or destroyed corner”, [an existent corner] **a position** at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) “Original government survey”, that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of agriculture;

(7) “Proportionate measurement”, a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) “Single proportionate measurement”, a measurement of a line applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) “Double proportionate measurement”, a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. [The procedure is described as follows: first, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner.] When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) “Record distance”, the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

60.315. The following rules for the reestablishment of lost corners shall be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners shall not be disturbed. Consequently, discrepancies between the new and record measurements shall not in any manner affect the measurements beyond the existent corners; but the differences shall be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels shall be given precedence over other township exteriors, and, ordinarily, the latter shall be given precedence over subdivisional lines; section corners shall be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost township corners common to four townships shall be reestablished by double proportionate measurement between the nearest existent corners on opposite sides of the lost township corner;

(4) Lost township corners located on standard parallels and common only to two townships shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost township corner on the standard parallel;

(5) [Lost standard corners shall be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(6) All lost section and quarter-section corners on the township boundary lines shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner according to the conditions represented upon the original government plat;

(7)] Lost corners on township exteriors, excluding corners referenced in subdivision (3) of this section, whether they are standard or closing corners, will be reestablished by single proportionate measurement on the line connecting the next nearest existent standard or closing corner on opposite sides of the lost corner;

(6) A lost interior corner of four sections shall be reestablished by double proportionate measurement;

[(8) A lost closing corner shall be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(9)] **(7)** All lost quarter-section corners on the section boundaries within the township shall be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished; and

[(10)] **(8)** Where a line has been terminated with a measurement in one direction only, a lost corner shall be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

60.345. The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using **single** proportionate measurement between the [adjoining] section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished. **The proportional position shall be offset, if necessary, in a cardinal direction to the true line defined by the nearest adjacent corners on opposite sides of the quarter-section corner to be established.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 330, Page 1, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“Amend House Committee Substitute for Senate Bill No. 330, Page 1, Section A, Line 12, by inserting after all of said section and line the following:

“173.280. 1. As used in this section, the following terms mean:

(1) “Athlete”, an individual who participates or has participated in an intercollegiate sport for a postsecondary educational institution. “Athlete” shall not be construed to apply to an individual’s participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

(2) “Athletic association”, an entity with athletics governance authority that is composed of postsecondary educational institutions and athletic conferences;

(3) “Athletic conference”, an entity that has athletics governance authority, is a member of an athletic association, and has a membership composed of postsecondary educational institutions that compete against other postsecondary educational institutions. “Athletic conference” includes a collaboration of such entities, such as the autonomy conferences;

(4) “Certification”, the process of developing and enforcing professional and legal policies and practices;

(5) “Group”, three or more athletes from the same sport;

(6) “Group licensing”, any agreement to allow a third party the right to use the name, image, likeness rights, or athletic reputation of a group;

(7) “Postsecondary educational institution”, any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

(8) “Third party”, any individual or entity other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student’s name, image, likeness rights, or athletic reputation. Earning compensation from the use of a student’s name, image, likeness rights, or athletic reputation shall not affect the student’s grant-in-aid or stipend eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is

enrolled shall not be construed to be compensation for use of the student's name, image, likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the athlete's team contract.

(2) Any student athlete who enters into a contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation shall disclose the full contract to an official of the postsecondary educational institution, with such official to be designated by such institution. No institution or its designated official shall disclose terms of an athlete's contract that the athlete or the athlete's legal representation deems to be a trade secret or nondisclosable.

(3) An institution asserting a conflict described in subdivision (1) of this subsection shall disclose to the student athlete or the athlete's legal representation the full contract the institution asserts to be in conflict. No athlete or member of the athlete's legal representation shall disclose terms of an institution's contract that the institution deems to be a trade secret or nondisclosable.

5. No team contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and made publicly available. Such team activities shall not exceed twenty hours per week during the season and eight hours per week during the off-season.

6. (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of an athlete's name, image, likeness, or athletic reputation shall conduct a financial development program of up to fifteen hours in duration once per year for their athletes.

(2) The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

7. (1) Postsecondary educational institutions shall help distribute informational materials as needed.

(2) Postsecondary educational institutions shall inform their athletes of such meetings and provide appropriate meeting space.

8. Athlete attorney representation shall be by persons licensed by this state.

9. (1) Any athlete may bring a civil action against third parties that violate this section for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages, court costs, and reasonable attorney's fees to a prevailing plaintiff.

(2) Students and state or local prosecutors seeking to prosecute violators of this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

10. Legal settlements shall not permit noncompliance with this section.

11. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after July 1, 2022. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

12. The state of Missouri hereby requests that any federal legislation relating to this section respect and permit Missouri college athletes' rights, protections, and other provisions included in this section.”; and

Further amend said bill, Page 92, Section 436.263, Line 5, by”; and

Further said amendment Page 1, Line 2, by inserting after all of said line the following:

“Further amend said bill, Page 92, Section B, Line 3, by inserting after all of said section and line the following:

“Section C. Because of the importance of financial needs of certain students of the state of Missouri, the enactment of section 173.280 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.280 of this act shall be in full force and effect upon its passage and approval.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 330, Page 92, Section 436.263, Line 5, by inserting after the word, “**hundred**” the word, “**thousand**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 330, Page 53, Section 334.036, Lines 75-77, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 330, Page 3, Section 191.1146, Line 20, by inserting after all of said section and line the following:

“281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[, hereafter referred to as the “director”].

281.020. As used in sections 281.010 to 281.115, the following terms mean:

(1) “Animal”, all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) “Applicator, operator or technician”:

(a) **“Certified applicator”, any certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;**

(b) **“Certified commercial applicator”, any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [or] determine the need for the use of, or supervise the determination of need for any pesticide, whether classified for restricted use or for general use, while [he] the individual is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;**

[(b)] (c) **“Certified noncommercial applicator”, any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [him] the individual or [his] the individual’s employer;**

[(c)] (d) **“Certified private applicator”, any individual who is certified by the director as authorized to use[, or to supervise the use of,] any pesticide [which] that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [him] the individual or [his] the individual’s employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, on the property of another person];**

[(d)] (e) **“Certified provisional private applicator”, any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual’s immediate family member, as long as the following requirements are met:**

- a. The restricted use pesticide is not a fumigant;**
- b. The restricted use pesticide does not contain sodium cyanide or sodium fluoroacetate;**
- c. The individual does not apply any restricted use pesticide using aerial application equipment;**
- d. The individual does not supervise the use of any restricted use pesticide; and**
- e. The individual does not purchase any restricted use pesticide;**

(f) **“Certified public operator”, any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of [his] the individual’s duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;**

[(e)] (g) **“Noncertified restricted use pesticide applicator”, any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public operator;**

(h) **“Private applicator”, any person not holding a certified private applicator’s license or certified provisional private applicator’s license who [shall be required to obtain a permit for the use of any**

restricted use pesticide] **uses general use pesticides or minimum risk pesticides** for the purposes of producing any agricultural commodity on property owned or rented by [him] **the person** or [his] **the person's** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of that pesticide];

[(f)] **(i)** “Pesticide technician”, any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of [this chapter] **sections 281.010 to 281.115**, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

[(g)] **(j)** “Pesticide technician trainee”, any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician’s license;

(3) “Beneficial insects”, those insects [which] **that**, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) “Defoliant”, any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) “Department” or “department of agriculture”, the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;

(6) “Desiccant”, any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

[(6)] **(7)** “Determining the need for the use of any pesticide”, the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

[(7)] **(8)** “Device”, any instrument or contrivance, other than a firearm, [which] **that** is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) “Director”, the director of the department of agriculture or the director’s designee;

(10) “Distribute”, to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;

[(8)] **(11)** “Environment” includes, **but is not limited to**, water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] **that** exist among these;

[(9)] **(12)** “Equipment” [means] , any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

[(10)] **(13)** “Fungus”, any nonchlorophyll-bearing thallophyte, [that] **which** is[,] any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, **such** as[, for example,] rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) “General use pesticide”, any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;

(15) “Immediate family”, familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. As used in this subdivision, “first cousin” means the child of a parent’s sibling, i.e., the child of an aunt or uncle;

[(11)] **(16)** “Individual”, any responsible, natural human being;

[(12)] **(17)** “Insect”, any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, **such** as[, for example,] beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, **such** as[, for example,] spiders, mites, ticks, centipedes, and wood lice;

[(13)] **(18)** “Land”, all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) “Minimum risk pesticide”, any pesticide product exempted under 40 C.F.R. 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[(14)] **(20)** “Misuse of a pesticide”, a use of any [registered] pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;

[(15)] **(21)** “Nematode”, invertebrate animals of the phylum Nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(22) “Nontarget organism”, any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[(16)] **(23)** “Person”, any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

[(17)] **(24)** “Pest”:

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other

microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, [which] **that** is normally considered to be a pest;

[(18)] **(25)** “Pesticide”:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

[(19)] **(26)** “Pesticide dealer”, any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) “Pesticide dealership”, any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

[(20)] **(28)** “Plant regulator”, any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term “plant regulator” does not include any of those nutrient mixtures or soil amendments [which] **that** are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and [which] **that** are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

[(21)] “Private applicator permit”, a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of such pesticide;

[(22)] **(29)** “Restricted use pesticide” or **“RUP”**, any pesticide when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

[(23)] **(30)** “Sale”, selling or offering for sale any pesticide;

[(24)] **(31)** “Snails” or “slugs” includes all harmful mollusks;

[(25)] **(32)** “Unreasonable adverse effects on the environment”, any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

[(26)] **(33)** “Under the direct supervision of a certified applicator”, when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

[(27)] **(34)** “Use”, mixing, **loading, or applying**[, storing or disposing of a] **any pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment**

wash waters, or other pesticide-containing materials;

[(28)] **(35)** “Weed”, any plant [which] **that** grows where not wanted; [and

(29)] **(36)** “Wildlife”, all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors [which] **that** the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if [he] **the director** finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. [The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides [which] **that** have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator[, or a private applicator with a permit]. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days’ prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. 1. The director may, by regulation, classify [certified applicator, operator or technician] licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators [or] , pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if [he] **the individual** is certified in one or all of the certification categories provided under the license for which [he] **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. 1. No individual shall engage in the business of determining the need for the use of, supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless [he or she] **the certified commercial applicator** has demonstrated [his or her] **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any **general use pesticide or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use pesticide or minimum risk pesticide** by an individual operating under [his or her] **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [working] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.**

3. Application for a certified commercial applicator's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] **4.** The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications [he or she] **the applicant** had applied for, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] **5.** The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case [said] **the license** shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain [restricted use] pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director shall require each certified commercial applicator or [his or her] **the certified commercial applicator's** employer to maintain records with respect to applications of any pesticide, **including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators.** Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] **the certified commercial applicator's** employer.

[7.] **8.** A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] **such person's or individual's** sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] **such person's or individual's** sole certified commercial applicator.

[8.] **9.** Every certified commercial applicator shall display [his or her] **the certified commercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9.] **10.** Every certified commercial applicator who changes the address from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed

address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045[, or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040] shall not use, or supervise the use of, any [restricted-use] **restricted use** pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless [he or she] **the certified noncommercial applicator** has demonstrated [his or her] **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. **No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.**

3. Application for a certified noncommercial applicator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he or she] **the applicant** has applied, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] **the applicant** is certified. The license shall expire one year from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] 6. The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to apply pesticides safely and properly.

[6.] 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

[7.] 8. Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by [himself or herself] **the certified**

noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[8.] **9.** The director shall require the certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer to maintain records with respect to applications of restricted use pesticides. Any relevant information [which] **that** the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[9.] **10.** Every certified noncommercial applicator shall display [his or her] **the certified noncommercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator; that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified noncommercial applicator who changes the address from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. [After July 1, 1990,] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of **or use any general use** pesticide [nor use any] **or minimum risk** pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] **sections 281.010 to 281.115.**

2. Application for a pesticide technician's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department.** Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] **the applicant's** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use

pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any [restricted-use] **restricted use** pesticide unless [he] **the private applicator** first complies with the requirements determined pursuant to subsection [2 or 5] **3** of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.

3. The private applicator shall qualify for a certified private applicator's license **or a certified provisional private applicator's license** by [either] attending [a course or completing an online course of instruction] **an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination** provided by the director on the use, handling, storage, and application of [restricted-use] **restricted use** pesticides **in the proper certification categories as specified by regulation**. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] **certification training program, completion of the online certification training program, or passage of the required private applicator certification examination**, the director shall issue a certified private applicator's license **or certified provisional private applicator's license** to the applicant. The director shall not collect a fee for the issuance of such license[, but the] . University of Missouri Extension [service may] **shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online. [However, no fee] Such fees** shall be assessed [or collected from an individual completing an online course of instruction. Both the director of the department and of the University of Missouri Extension service shall review such costs annually.] **based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such committee shall be provided revenue and expense information for the training program from the University of Missouri Extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time limit for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the House of Representatives and Senate agriculture or equivalent committees. The review committee shall be composed of five members including:**

- (1) The director;
- (2) The director of the University of Missouri Extension, or such director's designee;
- (3) The president of a statewide corn producers organization who actively grows corn, or such president's designee;
- (4) The president of a statewide soybean producers organization who actively grows soybeans, or such president's designee; and
- (5) The president of the state's largest general farm membership organization, or such president's designee.

[3.] 4. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.] **upon successful completion of approved recertification training or by passing the required private applicator certification examination.**

5. On the date of the certified provisional private applicator's eighteenth birthday, such certified provisional private applicator's license shall automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may be renewed as a certified private applicator's license without charge or additional fee.

[4.] 6. If the director does not qualify the private applicator under this section [he] , **the director** shall inform the applicant in writing of the reasons therefor.

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] **the certified public operator** has demonstrated [his] **the certified public operator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. [Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]

3. **No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public**

operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.

4. Application for a certified public operator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include all information prescribed by the director by regulation.

[4.] 5. The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he] **the applicant** has applied, and [his] **the applicant's** knowledge of the standards prescribed by regulations for the certification of public operators.

[5.] 6. If the director finds the applicant qualified to use pesticides in the classification for which [he] **the applicant** has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] **the operator's** employment. A certified public operator license shall expire three years from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] 7. The director may renew any certified public operator license under the classification for which that applicant is licensed[, subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] 8. The director shall require the certified public operator, or [his] **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] **the certified public operator's** employer.

[8.] 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] 10. Every certified public operator shall display [his] **the certified public operator's** license in a prominent place at the site, location, or office from which [he] **the certified public operator** will operate as a certified public operator, that place, location, or office being at the address printed on the license.

[10.] 11. Every certified public operator who changes the address from which [he] **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

281.048. 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

2. No individual shall use restricted use pesticides while working under the direct supervision of a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator, that place, location, or office being at the address printed on the license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless [he or she] the individual has obtained a license from the director [which] that shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each pesticide dealership location or outlet from which [such] restricted

use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user[. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] **shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, “selling or holding and offering for sale” shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.**

2. Application for a pesticide dealer’s license shall be made on a designated form obtained from the [director’s office] **department**. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] **the applicator’s** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] **that** provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] **the applicant’s** knowledge of the laws and regulations governing the use and sale of pesticides and [his or her] **the applicant’s** responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for insuring that all of [his or her] **the dealer’s** employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] **the dealer** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer’s license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer’s officer, agent or employee.

5. No pesticide dealer shall sell, give away, or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial applicators [or] , certified public operators**, or to **certified** private applicators [who have met the requirements of subsection 5 of section 281.040,] **holding valid certifications in proper certification categories** or to other **licensed** pesticide dealers, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or [his or her] **the dealer’s** employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] **the dealer’s** employer.

7. Every licensed pesticide dealer who changes [his or her] **the dealer’s** address or place of business shall immediately notify the director.

281.055. 1. If the [application for] renewal of any license[,] **or** certification [or permit] provided for in

[this chapter] **sections 281.010 to 281.115** is not filed prior to **the** expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] **or** certification [or permit] shall be renewed[; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] **or** certification [or permit] may renew the license[,] **or** certification [or permit] for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then] , **the license shall be cancelled and** the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[,] **a** book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for [said] **the** publication.

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license[, permit,] **or** certification issued under sections 281.010 to 281.115, if [he] **the director** finds that the applicant or the holder of a license[, permit,] **or** certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in [another] **this state or in any** state or protectorate of the United States, or has had a pesticide applicator license[,] **or** certificate [or permit] denied, suspended, revoked or modified by [another] **any** state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under [this chapter] **sections 281.010 to 281.115**, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. **Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] **person** is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and compel the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[,] **or** certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant

or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] **pesticide use by** the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director [or his or her designee] at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten [working] days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in [his or her] **the bond- or policyholder's** application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel [his or her] **the bond- or policyholder** license, or deny the license of an applicant, and give [him or her] **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms

to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages [which] **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that [he] **the person** has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and [he] **the director** shall make [his] **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and [his] **the licensee's** representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a license [or permit] issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by [him] **the director**:

(1) Examine, or cause to be examined, under oath, any person;

(2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;

(3) Hear such testimony and take such evidence as will assist [him] **the director** in the discharge of [his] **the director's** duties under [this chapter] **sections 281.010 to 281.115**;

(4) Administer or cause to be administered [oath] **oaths**; and

(5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. [1.] The director may issue a [license or] **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed [or] **as a certified** [in another state substantially] **applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued** in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [must] **shall** be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or pesticide containers in such a manner **that is inconsistent with label directions or** as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual] **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, [to] **cause to use**, use, or [to] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the** Missouri pesticide use act or **the** Missouri pesticide registration act;

(2) It shall be unlawful for any [individual] **person** to misuse any pesticide;

(3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) **It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;**

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use, or misuse of any pesticide;

[(4)] (6) It shall be unlawful to make any false or misleading statement on any application, form, or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[(5)] (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim, through any media, [which] **that** misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

[(6)] (8) It shall be unlawful to make any false or misleading statement specifying[,] or inferring that a person or [his] **the person's** methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[(7)] (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any

licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder; and

(10) It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or to aid or abet any person in stealing or attempting to steal examinations or examination materials, cheating on examinations, or evading recertification or retraining requirements.

3. Other acts [which] that are not specified, but [which] that violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

301.033. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration on a calendar year basis of all farm vehicles, as defined in section 302.700, owned or purchased by a farm vehicle fleet owner registered under this section. The director of revenue shall prescribe the forms for such farm vehicle fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of more than one farm vehicle which is required to be registered under this chapter may, at his or her option, register a fleet of farm vehicles on a calendar year or biennial basis under this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of a fleet of farm vehicles registered under this section.

2. All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the farm vehicle fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a farm vehicle fleet shall be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the farm vehicle fleet which are required to be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee, and when licensed on or after January first the fee shall be one-fourth the annual fee. If biennial registration is sought for vehicles added to a farm vehicle fleet, an additional year's annual fee shall be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a farm vehicle fleet purchases or otherwise acquires a farm vehicle which is to be added to the farm vehicle fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The farm vehicle fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred under this subsection.

4. Except as specifically provided in this subsection, all farm vehicles registered under this section shall be issued a special license plate which shall have the words "Farm Fleet Vehicle" and shall meet the requirements prescribed by section 301.130. Farm fleet vehicles shall be issued multiyear license

plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

5. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill, Page 92, Section B, Line 2, by inserting after all of said section and line the following:

“Section C. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of section A of this act and the enactment of section 281.048 of section A of this act shall become effective on January 1, 2024.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 330, Page 78, Section 375.029, Line 25, by inserting after all of said section and line the following:

“376.1575. As used in sections 376.1575 to 376.1580, the following terms shall mean:

(1) “Completed application”, a practitioner’s application to a health carrier that seeks the health carrier’s authorization for the practitioner to provide patient care services as a member of the health carrier’s network and does not omit any information which is clearly required by the application form and the accompanying instructions;

(2) “Credentialing”, a health carrier’s process of assessing and validating the qualifications of a practitioner to provide patient care services and act as a member of the health carrier’s provider network;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350. **The term “health carrier” shall also include any entity described in subdivision (4) of section 354.700;**

(4) “Practitioner”:

(a) A physician or physician assistant eligible to provide treatment services under chapter 334;

(b) A pharmacist eligible to provide services under chapter 338;

(c) A dentist eligible to provide services under chapter 332;

(d) A chiropractor eligible to provide services under chapter 331;

(e) An optometrist eligible to provide services under chapter 336;

- (f) A podiatrist eligible to provide services under chapter 330;
- (g) A psychologist or licensed clinical social worker eligible to provide services under chapter 337; or
- (h) An advanced practice nurse eligible to provide services under chapter 335.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS#2** for **SB 26**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 226**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 2**, **SA 3**, **SA 4**, **SA 5**, **SA 6**, and **SA 8** to **HB 476** and has taken up and passed **HB 476**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended, for **HCS** for **HB 685** and has taken up and passed **SCS** for **HCS** for **HB 685**, as amended.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schatz.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 141**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 53** and **60**, as amended, and grants the

Senate a conference thereon.

REPORTS OF STANDING COMMITTEES

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HJR 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS FOR THIRD READING

HB 604, with **SCS**, introduced by Representative Gregory (51), entitled:

An Act to repeal section 303.220, RSMo, and to enact in lieu thereof two new sections relating to the regulation of insurance.

Was called from the Informal Calendar and taken up by Senator Crawford.

Senator Bernskoetter assumed the Chair.

SCS for **HB 604**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 604

An Act to repeal sections 303.220, 319.131, 375.246, 379.120, and 507.184, RSMo, and to enact in lieu thereof seventeen new sections relating to insurance.

Was taken up.

Senator Crawford moved that **SCS** for **HB 604** be adopted.

Senator White offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 604, Page 41, Section 379.120, Line 24, by inserting after all of said line the following:

“379.140. [In all suits brought upon policies of insurance against loss or damage by fire hereafter issued or renewed, the defendant shall not be permitted to deny that the property insured thereby was worth at the time of the issuing of the policy the full amount insured therein on said property; and in case of total loss of the property insured, the measure of damage shall be the amount for which the same was insured, less whatever depreciation in value, below the amount for which the property is insured, the property may have sustained between the time of issuing the policy and the time of the loss, and the burden of proving such depreciation shall be upon the defendant; and in case of partial loss, the measure of damage shall be that portion of the value of the whole property insured, ascertained in the manner prescribed in this chapter, which the part injured or destroyed bears to the whole property insured.] **1. When real property incurs a total loss caused by a peril covered under an insurance policy and such total loss is a covered loss under the insurance policy, then the liability of the insurance company writing the policy shall be the amount of money for which the real property was insured, less any deductible, as specified in the policy.**

2. This section shall not apply to:

- (1) Any partial loss;**
- (2) Any personal property that is not scheduled;**
- (3) Any detached or appurtenant structure;**
- (4) Any builder's risk policy;**
- (5) Any policy of mortgage insurance;**
- (6) Two or more buildings insured under a blanket basis or limit of insurance;**
- (7) Any loss in which the insured or one acting on the insured's behalf engaged in any fraudulent or criminal activity that contributed to the loss;**
- (8) Any loss to property if the insured increased the risk of loss insured against within sixty days of the date of the loss without the consent of the insurer and the increase in the risk of loss was a cause of the loss;**
- (9) Any replacement cost coverage provided for in a policy or by endorsement, except that this section shall not be construed to prohibit an insured from recovering any replacement cost coverage pursuant to the terms and conditions of a policy or endorsement; or**
- (10) Any loss that is covered by two or more policies.**

3. If two or more policies provide coverage for a total loss of real property caused by a peril, then the insureds may recover the face amount of the policy with the highest limit of coverage, and each policy shall contribute to the payment of the loss in proportion to the amount of insurance mentioned in each policy.

4. For a total loss to a commercial building that is insured on a blanket basis for a stated amount that covers two or more commercial buildings, the settlement of the claim shall be based on the initial value assigned to each affected commercial building before the loss, with any balance remaining being settled according to the terms and conditions of the policy.

379.150. [Whenever there is a partial destruction or damage to property covered by insurance, it shall be the duty of the party writing the policies to pay the assured a sum of money equal to the damage done to the property, or repair the same to the extent of such damage, not exceeding the amount written in the policy, so that said property shall be in as good condition as before the fire, at the option of the insured.] **Any fire insurance policy issued or renewed on or after August 28, 2021, shall be construed to require that a partial loss caused by fire be adjusted in accordance with the following language which shall be considered part of the standard fire insurance policy for Missouri under the provisions of section 379.160: "It shall be optional with the company to settle the loss at the actual cash value or to repair, rebuild or replace the property destroyed or damaged with other of like kind or quality within a reasonable time, on giving notice of its intention within thirty days or after the receipt of the proof of loss herein required." However, if any fire policy provides coverage for a partial loss caused by fire, in a policy form determined and approved by the director to be at least as favorable to the insured as the standard fire insurance policy for Missouri, then the insurer issuing the policy shall adjust the loss in accordance with the policy form. Notwithstanding any administrative rule to the contrary, nothing in this section shall be construed to create a general contractor relationship by the company**

to the insured.

379.160. 1. Each fire insurance company doing business in the state of Missouri is hereby required to file the form of policy for use by it in the state of Missouri, covering the responsibilities of the companies as well as the duties of the assured, to be classed and known as the standard fire insurance policy. Said policy form may be approved by the director of the department of commerce and insurance of the state, and no policy shall be issued in this state carrying risks by fire or lightning by any company which does not embrace the form filed and approved of, as herein provided. There may be printed upon such policy the words "Standard Fire Insurance Policy for Missouri" and there may be inserted before and after the word "Missouri" a designation of any state or states or territory in which such form is standard.

2. All such policies shall have an address of the company in the United States fully printed thereon, to which, in case of loss, the assured may send notice of such loss, and to which notice shall be given within sixty days after the loss.

3. The appearance of an adjuster of any company at the place of fire and loss in which said company is interested by reason of an insurance on such property, shall be considered evidence of notice and to be held as a waiver of the same on the part of the company; provided, that on any policies issued upon property, real or personal, or real and personal, there may be attached a coinsurance clause; and provided further, that when a coinsurance clause is attached to any policy a reduction in rate shall be given therefor, in accordance with coinsurance credits that are now or may hereafter be filed as a part of the public rating record in the office of the director of the department of commerce and insurance in this state, by fire insurance companies, that have been or shall hereafter be approved by the director of the department of commerce and insurance; provided further, that in all suits brought upon policies of insurance against loss or damage by fire hereafter issued or renewed, the defendant shall not be permitted to deny that the **real** property insured thereby was worth at the time of the issuing of the policy the full amount insured therein on said **real** property [covering both real and personal property]; and provided further, that nothing in this section shall be construed to repeal or change the provisions of section 379.140."; and

Further amend said bill, page 59, section 507.184, line 34, by inserting after all of said line the following:

"[379.145. 1. When fire insurance policies shall be hereafter issued or renewed by more than one company upon the same property, and suit shall be brought upon any of said policies, the defendant shall not be permitted to deny that the property insured was worth the aggregate of the several amounts for which it was insured at the time the policy was issued or renewed thereon, unless willful fraud or misrepresentation is shown on part of the insured in obtaining such additional insurance; and in such suit the measure of damage shall be as provided in section 379.140; provided, that whatever depreciation in value below the amount for which the property is insured may be shown, as provided in section 379.140, shall be deducted from the amount insured in each policy, in the proportion which the amount in each such policy bears to the aggregate of all the amounts so insured on such property.

2. This and section 379.140 shall apply only to real property insured.

3. Any condition in any policy of insurance contrary to the provisions of this chapter shall be illegal and void.]"

Further amend the title and enacting clause accordingly.

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 604, Page 1, Section A, Line 6, by inserting after all of said line the following:

“287.170. 1. For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability at the weekly rate of compensation in effect under this section on the date of the injury for which compensation is being made. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Temporary total disability payments shall be made to the claimant by check or other negotiable [instruments approved by the director which will not result in delay in payment] **instrument, or by electronic transfer or other manner authorized by the claimant**, and shall be forwarded directly to the claimant without intervention, or, when requested, to claimant’s attorney if represented, except as provided in section 454.517, by any other party except by order of the division of workers’ compensation.

3. An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

4. If the employee is terminated from post-injury employment based upon the employee’s post-injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section or section 287.180 are payable. As used in this section, the phrase “post-injury misconduct” shall not include absence from the workplace due to an injury unless the employee is capable of working with

restrictions, as certified by a physician.

5. If an employee voluntarily separates from employment with an employer at a time when the employer had work available for the employee that was in compliance with any medical restriction imposed upon the employee within a reasonable degree of medical certainty as a result of the injury that is the subject of a claim for benefits under this chapter, neither temporary total disability nor temporary partial disability benefits available under this section or section 287.180 shall be payable.

287.180. 1. For temporary partial disability, compensation shall be paid during such disability but not for more than one hundred weeks, and shall be sixty-six and two-thirds percent of the difference between the average earnings prior to the accident and the amount which the employee, in the exercise of reasonable diligence, will be able to earn during the disability, to be determined in view of the nature and extent of the injury and the ability of the employee to compete in an open labor market. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wages are determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage.

2. Temporary partial disability payments shall be made to the claimant by check, or other negotiable instrument [approved by the director which will not result in delay in payment], **or by electronic transfer or other manner authorized by the claimant.**

287.715. 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding

any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, not to exceed three percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers'

compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to [2021] **2022** of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. **For calendar year 2023, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed two and one-half percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point.** All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, [2021] **2023**.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 604, Page 1, Section A, Line 6, by inserting after all of said line the following:

“135.096. 1. In order to promote personal financial responsibility for long-term health care in this state, [for all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to fifty percent of all nonreimbursed amounts paid by such individual for qualified long-term care insurance premiums to the extent such amounts are not included the individual's itemized deductions.] for all taxable years beginning after December 31, [2006] **2020**, a resident individual may deduct from each individual's Missouri taxable income an amount equal to one hundred percent of all nonreimbursed amounts paid by such individuals for qualified long-term care insurance premiums to the extent such amounts are not included in the individual's itemized deductions. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of all qualified long-term care insurance premiums. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section.

2. For purposes of this section, “qualified long-term care insurance” means any **insurance** policy which meets or exceeds the provisions of sections 376.1100 to 376.1118 and the rules and regulations promulgated pursuant to such sections for long-term care insurance, **or any insurance policy considered an asset or resource for purposes of eligibility for long-term care benefits under MO HealthNet.**

3. Notwithstanding any other provision of law to the contrary, two or more insurers issuing a qualified long-term care insurance policy shall not act in concert with each other and with others with respect to any matters pertaining to the making of rates or rating systems.”; and

Further amend said bill, page 39, section 375.246, line 915, by inserting after all of said line the following:

“376.1109. 1. The director may adopt regulations that include standards for full and fair disclosure setting forth the manner, content and required disclosures for the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions and definitions of terms. Regulations adopted pursuant to sections 376.1100 to 376.1130 shall be in accordance with the provisions of chapter 536.

2. No long-term care insurance policy may:

(1) Be cancelled, nonrenewed or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder; or

(2) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder; or

(3) Provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than for lower levels of care.

3. No long-term care insurance policy or certificate other than a policy or certificate thereunder issued to a group as defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100:

(1) Shall use a definition of preexisting condition which is more restrictive than the following: “Preexisting condition” means a condition for which medical advice or treatment was recommended by, or received from, a provider of health care services, within six months preceding the effective date of coverage of an insured person;

(2) May exclude coverage for a loss or confinement which is the result of a preexisting condition unless such loss or confinement begins within six months following the effective date of coverage of an insured person.

4. The director may extend the limitation periods set forth in subdivisions (1) and (2) of subsection 3 of this section as to specific age group categories in specific policy forms upon findings that the extension is in the best interest of the public.

5. The definition of preexisting condition provided in subsection 3 of this section does not prohibit an insurer from using an application form designed to elicit the complete health history of an applicant, and, on the basis of the answers on that application, from underwriting in accordance with that insurer’s established underwriting standards. Unless otherwise provided in the policy or certificate, a preexisting condition, regardless of whether it is disclosed on the application, need not be covered until the waiting period described in subdivision (2) of subsection 3 of this section expires. No long-term care insurance policy or certificate may exclude or use waivers or riders of any kind to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions beyond the waiting period described in subdivision (2) of subsection 3 of this section.

6. No long-term care insurance policy may be delivered or issued for delivery in this state if such policy:

(1) Conditions eligibility for any benefits on a prior hospitalization requirement; or

(2) Conditions eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care; or

(3) Conditions eligibility for any benefits other than waiver of premium, post-confinement, post-acute care or recuperative benefits on a prior institutionalization requirement.

7. A long-term care insurance policy containing post-confinement, post-acute care or recuperative benefits shall clearly label in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits" such limitations or conditions, including any required number of days of confinement.

8. A long-term care insurance policy or rider which conditions eligibility of noninstitutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than thirty days.

9. No long-term care insurance policy or rider which provides benefits only following institutionalization shall condition such benefits upon admission to a facility for the same or related conditions within a period of less than thirty days after discharge from the institution.

10. The director may adopt regulations establishing loss ratio standards for long-term care insurance policies provided that a specific reference to long-term care insurance policies is contained in the regulation.

11. Long-term care insurance applicants shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, other than a certificate issued pursuant to a policy issued to a group defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100, the applicant is not satisfied for any reason. This subsection shall also apply to denials of applications and any refund must be made within thirty days of the return or denial.

12. (1) If a long-term care insurance policy issued, delivered, or renewed in this state on or after January 1, 2011, is cancelled for any reason, the insurer shall refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policyholder within twenty days from the date the insurer receives notice of the cancellation. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall be entitled to a refund of the unearned premium if the policy is cancelled for any reason.

(2) The policyholder may notify the insurer of cancellation of such long-term care insurance policy at any time by sending written or electronic notification.

13. No long-term care insurance policy shall increase premium rates, measured annually, in excess of the amount that is actuarially justified based on credible experience, and on the rate basis in effect in this state without recognition of rates that may be in effect in other states.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 604, Page 39, Section 375.246, Line 915, by

inserting after all of said line the following:

“376.1551. 1. As used in this section, the following terms mean:

- (1) “Health benefit plan”, the same meaning given to the term in section 376.1350;**
- (2) “Health carrier”, the same meaning given to the term in section 376.1350;**
- (3) “Mental health condition”, the same meaning given to the term in section 376.1550.**

2. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of twelve months’ or less duration, or any other supplemental policy as determined by the director of the department of commerce and insurance.

4. The director may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted.

Pursuant to Senate Rule 91, Senator Luetkemeyer excused himself from voting on the 3rd reading of SCS for **HB 604**.

Senator Razer offered **SSA 1** for **SA 4**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Bill No. 604, Page 39, Section 375.246, Line 915, by inserting after all of said line the following:

“376.1551. 1. As used in this section, the following terms mean:

- (1) “Health benefit plan”, the same meaning given to the term in section 376.1350;**
- (2) “Health carrier”, the same meaning given to the term in section 376.1350;**
- (3) “Mental health condition”, the same meaning given to the term in section 376.1550.**

2. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of twelve months' or less duration, a health benefit plan in the small group market that was issued before January 1, 2014, or a health benefit plan in the individual market that was purchased before January 1, 2014, or any other supplemental policy as determined by the director of the department of commerce and insurance.

4. The director may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above substitute amendment be adopted, which motion prevailed, rendering SA 4 moot.

Senator Crawford moved that SCS for **HB 604**, as amended, be adopted, which motion prevailed.

Senator Crawford moved that SCS for **HB 604**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred SCS for **HB 604**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS for SS for SCS for SBs 53 and 60**, as amended: Senators Luetkemeyer, Onder, White, Rizzo and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS for SB 226**, as amended: Senators Koenig, O’Laughlin, Eigel, Arthur and Roberts.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS for SS No. 2 for SB 26**, as amended: Senators Eigel, Hoskins, Brattin, Williams and Roberts.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 303**, entitled:

An Act to repeal sections 287.120, 287.170, 287.180, 287.220, 287.280, and 287.480, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 303, Page 14, Section 287.480, Line 30, by inserting after all of said section and line the following:

“287.715. 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, not to exceed three percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is

collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to [2021] **2022** of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. **For calendar year 2023, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed two and one-half percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point.** All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, [2021] **2023**.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 303, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“162.012. 1. For purposes of this section, the following terms mean:

(1) “School-sponsored activity”, any activity sponsored by a school including, but not limited to, participation in a work-based learning program in which training or work activities are conducted at the premises of or under the direction of an employer participating in the program;

(2) “Work-based learning program”, the same meaning given to the term in section 170.038.

2. The school board of any school district may purchase insurance contracts to insure against loss, damages, or expenses incident to a claim arising out of the sickness, bodily injury, or death by

accident of any student injured on school premises or during school-sponsored activities. For purposes of this subsection, travel to and from any work-based learning program shall constitute a school-sponsored activity.

3. The school board of any school district may purchase insurance contracts for the benefit of students to insure against loss resulting from the loss of, theft of, or damage to the personal property of students while on school premises or during school-sponsored activities.

170.038. 1. For purposes of this section, the following terms mean:

- (1) “Secondary education”, education of students who attend secondary schools;
- (2) “Secondary school”, a public school giving instruction in a grade or grades not lower than the sixth nor higher than the twelfth grade;
- (3) “Work-based learning program”, a learning program in a secondary education curriculum that:

(a) Includes, but is not limited to, work study, on-the-job training, job shadowing, internships, clinicals, practicums, cooperative projects, and industry-led service-learning projects;

(b) Is incorporated into coursework or related to a specific field of study; and

(c) Integrates knowledge and theory learned in the classroom with the practical application and development of technical skills and proficiencies in a professional work setting.

2. An employer who accepts a secondary school student in a work-based learning program shall not be subject to civil liability for any claim arising from the student’s negligent act or omission.

3. Nothing in this section shall provide immunity for gross negligence or willful misconduct.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

Senator Hoskins moved that **HCS** for **HB 529**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 529** was again taken up.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 529**, as amended, be adopted, which motion prevailed.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 529**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 529**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HCS for **HB 349**, entitled:

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

Was taken up by Senator Koenig.

On motion of Senator Koenig, **HCS for HB 349** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Eigel
Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	O’Laughlin	Onder
Rehder	Riddle	Rowden	Schatz	White	Wieland—20	

NAYS—Senators

Arthur	Beck	Crawford	Eslinger	Hough	May	Mosley
Razer	Rizzo	Roberts	Schupp	Washington	Williams—13	

Absent—Senators—None

Absent with leave—Senator Gannon—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 371, regarding Melanie Kay Skelton, California, which was adopted.

Senator Schatz offered Senate Resolution No. 372, regarding Cameron Tedrick, which was adopted.

Senator Schatz offered Senate Resolution No. 373, regarding Kaitlynn VanDeWiele, which was adopted.

Senator Schatz offered Senate Resolution No. 374, regarding Angel Ramos, which was adopted.

Senator Schatz offered Senate Resolution No. 375, regarding J. J. Hawkins, which was adopted.

Senator Schatz offered Senate Resolution No. 376, regarding Jennifer Hawkins, which was adopted.

Senator Schatz offered Senate Resolution No. 377, regarding Joshua Hawkins, which was adopted.

Senator Riddle offered Senate Resolution No. 378, regarding Kimberly Crouch, Fulton, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-THIRD DAY—FRIDAY, MAY 7, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HJR 20, 2, 9 & 27 (Onder) | 22. HCS for HB 228, with SCS (O'Laughlin) |
| 2. HCS for HB 384, with SCS (Wieland) | 23. HCS for HB 369 (Bernskoetter) |
| 3. HCS for HBs 85 & 310, with SCS (Burlison) | 24. HCS for HJR 23 & 38 (Eslinger) |
| 4. HB 670-Houx (Moon) | 25. HB 554-Eggleston, with SCS (Koenig) |
| 5. HB 488-Hicks, with SCS (Burlison) | (In Fiscal Oversight) |
| 6. HCS#2 for HB 69, with SCS (Bean) | 26. HCS for HB 649, with SCS (Bernskoetter) |
| 7. HCS for HBs 557 & 560 (White) | 27. HCS for HB 350 (Rehder) |
| 8. HB 578-Bromley, with SCS (Brown) | 28. HCS for HB 402 (Mosley) |
| 9. HB 687-Riley (Hough) | 29. HB 834-Wright (O'Laughlin) |
| 10. HB 661-Ruth (Brown) | (In Fiscal Oversight) |
| 11. HB 530 & HCS for HB 292, with SCS (Luetkemeyer) | 30. HB 585-Houx, with HCS (Brown) |
| 12. HS for HB 297 (Rehder) | 31. HCS for HB 334 (Schatz) |
| 13. HB 624-Richey (Arthur) | 32. HCS for HB 242, with SCS (Burlison) |
| 14. HCS for HB 17 (Hegeman) | 33. HCS for HB 508, with SCS (Bernskoetter) |
| 15. HCS for HB 734, with SCS (Cierpiot) | 34. HCS for HB 162, with SCS (Hough) |
| 16. HCS for HB 66 (Koenig) | 35. HCS for HBs 1123 & 1221 (Koenig) |
| 17. HB 701-Black (Onder) | 36. HB 352-Henderson, with SCS (Brown) |
| 18. HB 139-Hudson (Burlison) | 37. HB 911-Hill (Onder) |
| 19. HB 299-Wallingford, with SCS (Eigel) | 38. HCS for HB 320, with SCS (Cierpiot) |
| 20. HS for HB 432, with SCS (White) | 39. HCS for HB 825, with SCS |
| 21. HCS for HB 137, with SCS (Luetkemeyer) | 40. HCS for HB 1242, with SCS (Luetkemeyer) |
| | 41. HJR 6-Schnelting, with SCS (Eigel) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)

SB 3-Hegeman

SB 7-Riddle, with SS & SA 1 (pending)	SB 198-Eigel, with SCS
SB 10-Schatz, with SS (pending)	SB 204-Cierpiot, with SCS
SB 11-Schatz, with SS & SA 1 (pending)	SB 206-Arthur
SB 24-Eigel, with SS#2 (pending)	SB 218-Luetkemeyer, with SCS
SB 30-Cierpiot	SB 227-Arthur
SB 39-Burlison, with SS (pending)	SB 236-Hough, with SCS
SB 47-Hough	SB 244-Onder
SB 54-O'Laughlin, with SCS	SB 253-Hegeman
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)	SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)
SB 62-Williams, with SCS	SB 255-Riddle
SB 65-Rehder, with SCS	SB 265-Eslinger
SB 74-Bean, with SCS	SB 282-Hegeman, with SCS
SB 92-Riddle, with SCS	SB 287-Crawford
SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 291-Brown
SB 95-Onder, with SCS	SB 295-Crawford, with SCS
SB 96-Hoskins, with SCS	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 98-Hoskins, with SCS (pending)	SB 306-Bernskoetter, with SCS
SB 100-Koenig, with SCS	SB 313-Eigel
SB 105-Crawford, with SCS	SB 316-Hough
SB 114-Bernskoetter	SB 318-May, with SCS
SB 123-Hough, with SS & SA 2 (pending)	SB 334-Bernskoetter
SB 131-Luetkemeyer	SB 343-Brown
SB 132-O'Laughlin, with SCS	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 134-O'Laughlin and Cierpiot	SB 360-Wieland, with SCS
SB 137-Brattin	SB 361-Wieland
SB 138-Brattin, with SCS	SB 369-White
SB 139-Bean	SB 370-Brown
SB 149-Onder	SB 372-Riddle
SB 163-Cierpiot	SB 375-Eigel
SB 168-Burlison	SB 383-Moon
SB 169-Burlison	SB 390-Luetkemeyer
SB 174-Hough, with SCS	SB 399-Eigel
SB 179-Luetkemeyer	SB 400-Onder, with SCS
SB 182-O'Laughlin	SB 404-Riddle
SB 183-O'Laughlin	SB 408-Wieland
SB 184-Bean, with SCS	SB 434-Washington
SB 195-Koenig	SB 437-Hoskins

SB 459-Brattin, with SCS
SB 465-Hoskins, with SCS
SB 466-Hoskins, with SCS
SB 473-Brown
SB 481-Hough, et al
SB 506-Bean
SB 529-Cierpiot
SB 547-Hoskins, with SCS
SB 561-Gannon

SB 562-Schupp
SB 577-Riddle, with SCS
SB 582-Eslinger
SB 604-Koenig, with SCS
SJR 2-Onder, with SCS
SJR 4-Koenig
SJR 7-Eigel
SJR 12-Luetkemeyer
SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS, SA 1 &
SA 2 to SA 1 (pending) (Luetkemeyer)
HCS#2 for HB 75 (Onder)
HB 249-Ruth (Wieland)
HB 333-Simmons (Onder)
SS for SCS for HCS for HB 529 (Hoskins)
(In Fiscal Oversight)
SS for HB 542-Shields (Burlison)
(In Fiscal Oversight)

SCS for HB 604-Gregory (51), (Crawford)
(In Fiscal Oversight)
HB 657-Trent, with SCS (Hough)
HB 850-Wiemann (Eigel)
HB 948-Francis, with SCS (Hoskins)
HCS for HBs 1083, 1085, 1050, 1035, 1036, 873
& 1097, with SS & SA 1 (pending)
(Bernskoetter)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)
HB 202-McGill (Gannon)
HB 404-Aldridge (May)
HB 449-Tate (Gannon)
HB 522-Windham (Williams)

HB 640-Morse (Bean)
HB 1053-Patterson (Onder)
HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 303-Gannon, with HCS, as amended

SB 330-Burlison, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES
In Conference

SS#2 for SB 26-Eigel, with HCS, as amended
SB 37-Bernskoetter, with HA 1, HA 2, HA 3,
HA 4, HA 5 & HA 6
SS for SCS for SBs 53 & 60-Luetkemeyer,
with HCS, as amended
SS for SB 141-Bean, with HCS, as amended
SB 226-Koenig, with HCS, as amended
HCS for HB 2, with SS for SCS (Hegeman)
HCS for HB 3, with SS for SCS (Hegeman)
HCS for HB 4, with SS for SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)
HCS for HB 6, with SCS (Hegeman)

HCS for HB 7, with SCS (Hegeman)
HCS for HB 8, with SCS (Hegeman)
HCS for HB 9, with SCS (Hegeman)
HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 11, with SS for SCS (Hegeman)
HCS for HB 12, with SCS (Hegeman)
HCS for HB 15, with SCS (Hegeman)
HCS for HB 271, with SS#2 for SCS, as
amended (Crawford)
HB 273-Hannegan, with SS#2 for SCS, as
amended (Riddle)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY—FRIDAY, MAY 7, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Draw nigh to God, and he will draw nigh to you.” (James 4:8)

Holy Father, we pray to draw closer to You so we may truly come to know You and know Your presence in our lives. We need such knowledge for with it we can deal with the tension that arises everyday in the short time left to us. As we experience Your presence today and the Mother’s Day weekend before us, we ask for Your continued blessings so we will use this time wisely and can share such a blessing with the work that we bring to a close for today and for those we encounter that You bring into our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from Business Pluss++ were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Burlison Gannon—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator May offered Senate Resolution No. 379, regarding the death of Tommy Louis Trent, Sr., St. Louis, which was adopted.

Senator Rowden offered Senate Resolution No. 380, regarding Prairie Home First Baptist Church, which was adopted.

Senator May offered Senate Resolution No. 381, regarding Lauren Sheets, Clayton, which was adopted.

Senator May offered Senate Resolution No. 382, regarding Avery Kleinhenz, Clayton, which was adopted.

Senator May offered Senate Resolution No. 383, regarding Liana Jones, St. Louis, which was adopted.

Senator May offered Senate Resolution No. 384, regarding Rianna DeHart, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 72**, entitled:

An Act to amend chapters 9 and 10, RSMo, by adding thereto two new sections relating to state designations.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, 6, 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 1 to House Amendment No. 9, House Amendment No. 2 to House Amendment No. 9, House Amendment No. 3 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment No. 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 2 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 2 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 14, as amended, and House Amendment No. 17.

**HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 72, Page 1, Lines 6-7, by deleting said lines and inserting in lieu thereof the following:

“remember health care workers who made many sacrifices throughout the COVID-19 pandemic.

Section B. Because immediate action is necessary to honor the sacrifices of health care professionals during the COVID-19 pandemic, the enactment of section 1 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the enactment of section 1 of section A of this act is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.”;

and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 10.240, Line 2, by inserting after all of said section and line the following:

“Section 1. July 25, 2021, is hereby designated as “Christmas in July”. The citizens of this state are encouraged to decorate and celebrate their Christmas traditions at this time to honor and remember health care workers who made many sacrifices throughout the COVID-19 pandemic.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section A, Line 2, by inserting after all of said line and section the following:

“9.225. November thirtieth of each year is hereby designated as “Mark Twain Day”. The citizens of this state are encouraged to engage in appropriate events and activities to commemorate the life and accomplishments of Mark Twain.

9.227. March fifth of each year is hereby designated as “Iron Curtain Speech Day” in Missouri. Citizens of this state are encouraged to celebrate with appropriate events and activities to recognize the anniversary of Winston Churchill’s famous speech at Westminster College in Fulton, Missouri, on March 5, 1946.

9.291. November thirteenth of each year shall be known and designated as “John Jordan ‘Buck’ O’Neil Day” in Missouri in honor of John Jordan “Buck” O’Neil, the first African American who coached in Major League Baseball. He also played a major role in establishing the Negro Leagues Baseball Museum in Kansas City, Missouri. The citizens of this state are encouraged to participate in events and activities to celebrate the life of John Jordan “Buck” O’Neil.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

“9.308. The first full week in February is hereby designated as “School Counseling Week” in the state of Missouri. Citizens of this state are encouraged to participate in appropriate events and activities that recognize the important work of school counselors in helping Missouri’s students succeed in school and beyond.

9.309. The month of April is hereby designated as “Limb Loss Awareness Month” in”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 6, by deleting all of said line and inserting in lieu thereof the following:

“spread awareness about limb loss and limb difference.

9.323. March twenty-sixth of each year is hereby designated and shall be known as “Pioneering Black Women’s Day” in honor of Gwen B. Giles, who was the first Black woman to serve in the Missouri Senate. Citizens of this state are encouraged to recognize this day with appropriate events and activities to honor Senator Giles and other Black women in history who were pioneers and created opportunities for future Black women in this state and country.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 9.301, Line 4, by inserting after all of said section and line the following:

“9.309. The month of April is hereby designated as “Limb Loss Awareness Month” in Missouri. Citizens of this state are encouraged to engage in appropriate events and activities to spread awareness about limb loss and limb difference.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 9.301, Line 1, by inserting after the first quotation mark on said line the word **“Missouri”**; and

Further amend said bill, page, and section, Line 3, by inserting after the first occurrence of the word **“the”** the word **“Missouri”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 10.240, Line 2, by inserting after all of said section and line the following:

“Section 1. The sixteenth of April each year is hereby designated as “Missouri Donate Life Day” in the state of Missouri. The citizens of this state are encouraged to observe the day with appropriate activities and events to increase public awareness of the need for organ donation and organ donors.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 9.301, Line 4, by inserting after all of said section and line the following:

“9.339. September 22, 2021, is hereby designated as “Hazel Erby Day” in Missouri. Citizens of

this state are encouraged to participate in appropriate events and activities to recognize Hazel Erby's lifelong dedication to public service and community improvement.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 10.240, Line 2, by inserting after all of said section and line the following:

“143.1032. 1. In each taxable year beginning on or after January 1, 2022, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the Missouri Medal of Honor Recipients fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the Missouri Medal of Honor Recipients fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the Missouri Medal of Honor Recipients fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the Missouri Medal of Honor Recipients fund as provided in subsection 2 of this section.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the Missouri Medal of Honor Recipients fund. The fund shall be administered by the director of revenue.

3. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the cost of collection, handling, and administration by the department of revenue during fiscal year 2021, to the Missouri Medal of Honor Recipients fund.

4. A contribution designated under this section shall only be deposited in the Missouri Medal of Honor Recipients fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the Missouri Medal of Honor Recipients fund shall be used by the department of transportation to pay for the costs of a Missouri Medal of Honor memorial bridge or Missouri Medal of Honor signs.

6. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

227.299. 1. Except as provided in subsection 7 of this section, an organization or person that seeks a bridge or highway designation on the state highway system to honor an event, place, organization, or person who has been deceased for more than two years shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the bridge or segment of highway for

which designation is sought and the proposed name of the bridge or relevant portion of highway. The application shall include the name of at least one current member of the general assembly who will sponsor the bridge or highway designation. The application may contain written testimony for support of the bridge or highway designation;

(2) A list of at least one hundred signatures of individuals who support the naming of the bridge or highway; and

(3) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed signs. The fee shall not exceed the cost of constructing and maintaining each sign.

2. All moneys received by the department of transportation for the construction and maintenance of bridge or highway signs on the state highway system shall be deposited in the state treasury to the credit of the state road fund.

3. The documents and fees required under this section shall be submitted to the department of transportation no later than November first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during such legislative session.

4. The department of transportation shall give notice of any proposed bridge or highway designation on the state highway system in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website, and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

5. If the memorial highway designation requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

6. Two highway signs shall be erected for each bridge and highway designation on the state highway system processed under this section. When a named section of a highway crosses two or more county lines, consideration shall be given by the department of transportation to allow additional signage at the county lines or major intersections.

7. **(1)** Highway or bridge designations on the state highway system honoring fallen law enforcement officers, members of the Armed Forces killed in the line of duty, **Missouri recipients of the Medal of Honor**, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state shall not be subject to the provisions of this section.

(2) Notwithstanding any provision of law to the contrary, beginning August 28, 2021, for designations honoring Missouri Medal of Honor recipients, no fees shall be assessed and all costs associated with the construction, maintenance, and installation of signs for such designations shall be funded by the department of transportation.

8. No bridge or portion of a highway on the state highway system may be named or designated after more than one event, place, organization, or person. Each event, place, organization, or person shall only be eligible for one bridge or highway designation.

9. Any highway signs erected for any bridge or highway designation on the state highway system under

the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the bridge or highway may be designated to honor events, places, organizations, or persons other than the current designee. An existing highway or bridge designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

10. For persons honored with designations on the state highway system under this chapter after August 28, 2021, the department of transportation shall post a link on its website to biographical information of such persons.

11. The provisions of this section shall apply to bridge or highway designations sought after August 28, 2006.

227.496. The portion of State Highway T from .05 miles west of Laretto Ridge Drive to Decker Road in the town of Labadie in Franklin County shall be designated as “Medal of Honor PVT George Phillips Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by the department.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is ten years of age or less and has less than one hundred

fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund

shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

9. An applicant for registration may make a donation of one dollar to the Missouri Medal of Honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri Medal of Honor recipients fund as established in Section 1 of this Act. Moneys in the Medal of Honor recipients fund shall be used solely for the purposes established in Section 1 of this Act, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2, **to promote a blindness education, screening and treatment program as prescribed in subsection 3, or the Missouri Medal of Honor recipients fund prescribed in subsection 4** of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the

applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of his or her driver's license or identification card as prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol may be placed on the front of the license or identification card indicating the applicant's desire to be listed in the registry at the applicant's request at the time of his or her application for a driver's license or identification card, or the applicant may instead request an organ donor sticker from the department of health and senior services by application on the department of health and senior services' website. Upon receipt of an organ donor sticker sent by the department of health and senior services, the applicant shall place the sticker on the back of his or her driver's license or identification card to indicate that he or she has made an anatomical gift. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue

shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. An applicant for registration may make a donation of one dollar to the Missouri Medal of Honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri Medal of Honor recipients fund as established in Section 1 of this Act. Moneys in the Medal of Honor recipients fund shall be used solely for the purposes established in Section 1 of this Act, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

5. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

[5.] 6. All appeals of denials under this section shall be made as required by section 302.311.

[6.] 7. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036.

[7.] 8. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

[8.] 9. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

[9.] 10. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

[10.] **11.** Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.

Section 1. 1. There is hereby created in the state treasury the "Missouri Medal of Honor Recipients Fund". The fund shall consist of moneys donated pursuant to sections 301.020, 302.171, and 143.1032. All monies shall be received by the department of revenue and either upon request or, at a minimum, on a monthly basis be transferred to the department of transportation. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding. Moneys in the fund shall be used to pay any renewal fee for a memorial bridge or memorial highway signs for Missouri Medal of Honor recipients, and for the maintenance and repair of all such signs whether originally paid for by private donations or by the department of transportation.

2. The department of revenue shall provide notification by way of memorandum, to the department of transportation informing the department of transportation of the payment transfer to the credit of the State Road fund, with the memorandum indicating the payment amount, payment date, payment account number, and the names or names of the Missouri Medal of Honor recipient or recipients for which the payment is made."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 72, Page 1, Lines 1-2, by deleting all of said lines and inserting in lieu thereof the following:

"Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section A, Line 2, by inserting the following after all of said section and line:

"9.236. The third full week in September of each year shall be known and designated as "Sickle Cell Awareness Week". Sickle cell disease is a genetic disease in which a person's body produces abnormally shaped red blood cells that resemble a crescent and that do not last as long as normal round red blood cells, which leads to anemia. It is recommended to the people of the state that the week be appropriately observed through activities that will increase awareness of sickle cell disease and efforts to improve treatment options for patients."; and

Further amend said bill and page, Section 9.301, Line 4, by inserting after all of said section and line the following;" and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 9.301, Line 4, by inserting

after all of said section and line the following:

“9.317. The third full week of March each year shall be known as “Victims of Coronavirus Memorial Week” in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to acknowledge our collective losses during the COVID-19 pandemic by honoring the sacrifices of our first responders, those who died, those who lost loved ones, those who lost employment or a business, and all who were negatively impacted during the pandemic.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 6, by deleting all of said line and inserting the following:

“that celebrate the influence of cowboys on American culture.

Section 2. That portion of Interstate 64 between Jefferson Street and 11th Street located in the City of Saint Louis shall be designated as “Bobby Plager Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 1, by inserting after, “Bill No. 72,” the following:

“Page 1, Section 9.301, Line 4, by inserting after all of said line the following:

“9.328. The month of November is hereby designated as “National American History and Founders Month” in Missouri. Citizens of this state are encouraged to participate in appropriate educational events and activities about the United States Constitution and the founding of our nation.”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 6, by deleting said line and inserting in lieu thereof the following:

“that celebrate the influence of cowboys on American culture.

Section 2. (1) The month of May of each year is hereby designated as “Lupus Awareness Month” in Missouri.

(2) The tenth of May of each year is hereby designated as “Lupus Awareness Day” in Missouri.

(3) Citizens of the state are encouraged to participate in activities that raise awareness about the diagnosis and treatment of lupus and its impact on lives of individuals living with lupus.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 10.240, Line 2, by inserting after said section and line the following:

“Section 1. The fourth Saturday in July is hereby designated “National Day of the Cowboy” in Missouri. Citizens of the state are encourage to participate in appropriate events and activities that celebrate the influence of cowboys on American culture.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 10.240, Line 2, by inserting after all of said section and line the following:

“Section 1. The twelfth of January each year is hereby designate as “George Washington Carver Day” in Missouri. Citizens of the state are encouraged to participate in activities to recognize the life of this esteemed Missourian, without whom many children would not have a chance to grow up.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 9, by inserting after all of said line the following:

“Further amend said bill, Page 1, Section 10.240, Line 2, by inserting after all of said line the following:

“Section 1. April 11 through April 17 of each year is hereby designated as “Black Maternal Health Week”. The citizens of this state are encouraged to engage in appropriate events and activities to commemorate black maternal health.

Section 2. The month of April of each year is hereby designated as “Minority Health Month”. The citizens of this state are encouraged to engage in appropriate events and activities to commemorate minority health month.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 9 by inserting after said line the following:

“Further amend said bill and page, Section 10.240, Line 2, by inserting after said section and line the following:

“Section 1. September fifteenth through October fifteenth each year shall be known as “Hispanic

Heritage Month” in Missouri.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“9.169. August thirty-first each year shall be known as “Random Acts of Kindness Day” in Missouri to mark the beginning of suicide prevention awareness month in September. The citizens of this state are encouraged to celebrate this day by engaging in random acts of kindness toward their fellow citizens and remembering that one small act of kindness has the power to change the course of a person’s life and the potential to impact countless lives as random acts of kindness are paid forward.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 7, by inserting after all of said line the following:

“Further amend said bill and page, Section 10.240, Line 2, by inserting after all of said section and line the following:

“Section 1. The sixteenth of April 2022 is hereby designated as “David L. Baker Day” in Missouri.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 7, by inserting after all of said line the following:

“Further amend said bill and page, Section 9.301, Line 4, by inserting after all of said section and line the following:

“9.306. May first of each year is hereby designated as “Walthall Moore Day” in Missouri. Citizens of this state are encouraged to engage in appropriate events and activities to honor the life and work of the first African American to serve in the Missouri general assembly.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“9.052. The first Friday in May each year is hereby designated as “Law Enforcement Appreciation Day” in the state of Missouri. The citizens of this state are encouraged to observe the day with

appropriate activities and events to recognize and support the brave men and women who undertake the difficult and sometimes unattainable pledge to protect and serve the public.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Bill No. 72, Page 1, Line 7, by inserting after said line the following:

“Further amend said bill and page, Section 10.240, Line 2, by inserting after all of said section and line the following:

“Section 1. The month of August each year is hereby designated as “Homelessness Awareness Month” in Missouri. Citizens of the state are encouraged to engage in appropriate events and activities with organizations that work to end homelessness to spread awareness about homelessness.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section A, Line 2, by inserting after all of said line the following:

“9.280. July second of each year shall be known and designated as “Mormon War Remembrance Day” in honor and recognition of the ten thousand members of the Mormon church who were subjected to injustice and undue suffering through executive order 44 by Governor Lilburn Boggs and the Mormon War in 1838.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 72, Page 1, Section 9.301, Line 4, by inserting after all of said section and line the following:

“9.319. January twelfth each year is hereby designated as “Rush Limbaugh Day” in Missouri. Citizens of this state are encouraged to celebrate the day by participating in appropriate events and activities to remember the life of the famous Missourian and groundbreaking radio host.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on SCS for HCS for **HB 15**, and has taken up and passed CCS for SCS for HCS for **HB 15**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 2**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 3**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences in sections 394.020 and 386.800 of **SS No. 2** for **SCS** for **HCS** for **HB 271**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SBs 53** and **60** as amended. Representatives: Roberts, Evans, Hill, Ellebracht, Sauls.

REFERRALS

President Pro Tem Schatz referred **HB 352**, with **SCS**; **HCS** for **HB 1242**, with **SCS**; and **HJR 6**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SB 26**, with **HCS**: Senators Eigel, Brattin, Hoskins, Washington and Roberts.

PRIVILEGED MOTIONS

Senator Crawford moved that the conferees on **SS No. 2** for **SCS** for **HCS** for **HB 271**, as amended, be allowed to exceed the differences on Sections 394.020 and 386.800, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **HCS** for **SS** for **SB 6** and **SS** for **SCS** for **SB 120**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 1358**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

At the request of Senator Onder, **HCS** for **HJR**s **20, 2, 9** and **27** was placed on the Informal Calendar.

At the request of Senator Wieland, **HCS** for **HB 384**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB**s **85** and **310**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Moon, **HB 670** was placed on the Informal Calendar.

HB 488, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bean, **HCS No. 2** for **HB 69**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator White, **HCS** for **HB**s **557** and **560** was placed on the Informal Calendar.

HB 578, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hough, **HB 687** was placed on the Informal Calendar.

HB 661 was placed on the Informal Calendar.

HB 530 and **HCS** for **HB 292**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 297** was placed on the Informal Calendar.

HB 624 was placed on the Informal Calendar.

At the request of Senator Hegeman, **HCS** for **HB 17** was placed on the Informal Calendar.

At the request of Senator Cierpiot, **HCS** for **HB 734**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Koenig, **HCS** for **HB 66** was placed on the Informal Calendar.

At the request of Senator Onder, **HB 701** was placed on the Informal Calendar.

HB 139 was placed on the Informal Calendar.

At the request of Senator Eigel, **HB 299**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator White, **HS** for **HB 432**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 137**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator O’Laughlin, **HCS** for **HB 228**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bernskoetter, **HCS** for **HB 369** was placed on the Informal Calendar.

HCS for **HJR**s **23** and **38** was placed on the Informal Calendar.

At the request of Senator Bernskoetter, **HCS** for **HB 649**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 350** was placed on the Informal Calendar.

At the request of Senator Mosley, **HCS** for **HB 402** was placed on the Informal Calendar.

HB 585, with **SCS**, was placed on the Informal Calendar.

HCS for HB 334 was placed on the Informal Calendar.

HCS for HB 242, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bernskoetter, **HCS for HB 508**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hough, **HCS for HB 162**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Koenig, **HCS for HBs 1123 and 1221** was placed on the Informal Calendar.

HB 911 was placed on the Informal Calendar.

At the request of Senator Cierpiot, **HCS for HB 320**, with **SCS**, was placed on the Informal Calendar.

HCS for HB 825, with **SCS**, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS for HB 4**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS for HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS for HB 5**, and has taken up and passed **CCS** for **SCS** for **HCS for HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS for HB 6**, and has taken up and passed **CCS** for **SCS** for **HCS for HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS for HB 7**, and has taken up and passed **CCS** for **SCS** for **HCS for HB 7**.

PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS for HB 15**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 15

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 15, begs leave to report that we, after free and fair discussion of the differences, have

agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 15.
2. That the House recede from its position on House Committee Substitute for House Bill No. 15.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 15, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
 /s/ Dirk Deaton
 /s/ Doug Richey
 /s/ Peter Merideth
 /s/ Sarah Unsicker

FOR THE SENATE:

/s/ Daniel J. Hegeman
 /s/ Lincoln Hough
 /s/ Sandy Crawford
 /s/ Lauren Arthur
 /s/ Brian Williams

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Moon	Mosley	O’Laughlin	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schupp	Washington	White	Wieland

Williams—29

NAYS—Senators

Eigel Onder—2

Absent—Senators—None

Absent with leave—Senators

Burlison Gannon Schatz—3

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 15**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 15

An Act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
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Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Eigel	Moon	Onder—3
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Absent—Senator Brattin—1

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Rusty Black
Ingrid Burnett
Kevin Windham

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Bill Eigel
Lauren Arthur
Barbara Washington

Senator Hegeman moved that the above conference committee report be adopted, which motion

prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Washington	White	Wieland—25			

NAYS—Senators

Brattin	Eigel	Moon	Onder	Schupp	Williams—6
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger
Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Washington	White	Wieland	Williams—25			

NAYS—Senators

Beck	Brattin	Eigel	Moon	Onder	Schupp—6
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 3**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Rusty Black
/s/ Ingrid Burnett
Kevin Windham

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Denny Hoskins
/s/ Lauren Arthur
/s/ Karla May

Senator Eigel assumed the Chair.

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger
Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Washington	White	Wieland	Williams—25			

NAYS—Senators

Beck	Brattin	Eigel	Moon	Onder	Schupp—6
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

President Kehoe assumed the Chair.

On motion of Senator Hegeman, **CCS** for **SS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger
Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
White	Wieland	Williams—24				

NAYS—Senators

Beck	Brattin	Eigel	Moon	Onder	Schupp	Washington—7
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 4**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House

Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
 /s/ Dirk Deaton
 /s/ Sarah Walsh
 /s/ Peter Merideth
 /s/ Rasheen Aldridge

FOR THE SENATE:

/s/ Daniel J. Hegeman
 /s/ Lincoln Hough
 /s/ Jeanie Riddle
 /s/ Lauren Arthur
 /s/ Greg Razer

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O'Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
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Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O'Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** or **HB 5**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Brad Hudson
/s/ Ashley Bland Manlove
/s/ Maggie Nurrenbern

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Denny Hoskins
/s/ Lauren Arthur
/s/ Brian Williams

Senator Hegeman moved that the above conference committee report be adopted, which motion

prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Schupp	Washington	White	Wieland	Williams—26		

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senator Rowden—1

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 10**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 10**.

PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Scott Cupps
/s/ Peter Merideth
/s/ LaKeySha Bosley

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Sandy Crawford
/s/ Lauren Arthur
/s/ Barbara Washington

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS for SCS for HCS for HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Scott Cupps
/s/ Peter Merideth
/s/ LaKeySha Bosley

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Mike Cierpiot
/s/ Lauren Arthur
/s/ Barbara Washington

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Eigel	Moon	Onder—4
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee

Substitute for House Bill No. 8.

2. That the House recede from its position on House Committee Substitute for House Bill No. 8.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Sarah Walsh
/s/ Peter Merideth
/s/ Rasheen Aldridge

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Anthony Luetkemeyer
/s/ Lauren Arthur
/s/ Karla May

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schupp	Washington

White Wieland Williams—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Burlison Gannon Schatz—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Sarah Walsh
/s/ Peter Merideth
/s/ Rasheen Aldridge

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Karla Eslinger
/s/ Lauren Arthur
/s/ Barbara Washington

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer

May	Moon	Mosley	O’Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schupp	Washington	White
Williams—29						

NAYS—Senators

Eigel	Wieland—2
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schupp	Washington
White	Williams—30					

NAYS—Senator Wieland—1

Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 10**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Doug Richey
/s/ Betsy Fogle
/s/ Sarah Unsicker

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Denny Hoskins
/s/ Lauren Arthur
/s/ Barbara Washington

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Cierpiot	Crawford	Eigel
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	Moon
O’Laughlin	Onder	Rehder	Riddle	Rowden	White	Wieland—21

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Williams—9					

Absent—Senator Washington—1

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Cierpiot	Crawford	Eigel
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	Moon
O’Laughlin	Onder	Rehder	Riddle	Rowden	White	Wieland—21

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Williams—9					

Absent—Senator Washington—1

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 11**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 11**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11.

2. That the House recede from its position on House Committee Substitute for House Bill No. 11.

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith
/s/ Dirk Deaton
/s/ Doug Richey
/s/ Betsy Fogle
/s/ Sarah Unsicker

FOR THE SENATE:

/s/ Daniel J. Hegeman
/s/ Lincoln Hough
/s/ Anthony Luetkemeyer
/s/ Barbara Washington
/s/ Karla May

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Cierpiot	Crawford	Eigel
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	Moon
O’Laughlin	Onder	Rehder	Riddle	Rowden	White	Wieland—21

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Williams—9					

Absent—Senator Washington—1

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Cierpiot	Crawford	Eigel
Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	Moon
Onder	Rehder	Riddle	Rowden	White	Wieland—20	

NAYS—Senators

Arthur	Beck	May	Mosley	O'Laughlin	Razer	Rizzo
Roberts	Schupp	Williams—10				

Absent—Senator Washington—1

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee

Substitute for House Bill No. 12.

2. That the House recede from its position on House Committee Substitute for House Bill No. 12.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Cody Smith

/s/ Dirk Deaton

/s/ Brad Hudson

/s/ Peter Merideth

/s/ Maggie Nurrenbern

FOR THE SENATE:

/s/ Daniel J. Hegeman

/s/ Lincoln Hough

/s/ Justin Brown

/s/ Lauren Arthur

/s/ John Rizzo

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schupp	Washington	White	Wieland	Williams—28

NAYS—Senators

Eigel	Moon	Onder—3
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Absent—Senators—None

Absent with leave—Senators

Burlison	Gannon	Schatz—3
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Vacancies—None

On motion of Senator Hegeman, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of

Missouri, for the period beginning July 1, 2021, and ending June 30, 2022.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eigel	Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	Onder	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schupp	Washington	White	Wieland	Williams—28

NAYS—Senators

Brattin Moon—2

Absent—Senator O’Laughlin—1

Absent with leave—Senators

Burlison Gannon Schatz—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 17, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **HCS for HB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eigel	Eslinger	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Moon	Mosley	O’Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schupp	Washington	White
Wieland	Williams—30					

NAYS—Senator Brattin—1

Absent—Senators—None

Absent with leave—Senators

Burlison

Gannon

Schatz—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 13** and has taken up and passed **SCS** for **HCS** for **HB 13**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 18** and has taken up and passed **SCS** for **HCS** for **HB 18**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HB 19** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 19**.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Monday, May 10, 2021.

SENATE CALENDAR

SIXTY-FOURTH DAY—MONDAY, MAY 10, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

HB 554-Eggleston, with SCS (Koenig)
(In Fiscal Oversight)

HB 834-Wright (O’Laughlin)
(In Fiscal Oversight)

HB 352-Henderson, with SCS (Brown)
 (In Fiscal Oversight)
 HCS for HB 1242, with SCS
 (Luetkemeyer) (In Fiscal Oversight)

HJR 6-Schnelting, with SCS (Eigel)
 (In Fiscal Oversight)
 HCS for HB 1358, with SCS (Eigel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)
 SB 3-Hegeman
 SB 7-Riddle, with SS & SA 1 (pending)
 SB 10-Schatz, with SS (pending)
 SB 11-Schatz, with SS & SA 1 (pending)
 SB 24-Eigel, with SS#2 (pending)
 SB 30-Cierpiot
 SB 39-Burlison, with SS (pending)
 SB 47-Hough
 SB 54-O'Laughlin, with SCS
 SBs 55, 23 & 25-O'Laughlin, et al, with
 SCS & SS for SCS (pending)
 SB 62-Williams, with SCS
 SB 65-Rehder, with SCS
 SB 74-Bean, with SCS
 SB 92-Riddle, with SCS
 SB 94-Onder with SS, SA1 to SS & SA 1 to
 SA 1 (pending)
 SB 95-Onder, with SCS
 SB 96-Hoskins, with SCS
 SB 98-Hoskins, with SCS (pending)
 SB 100-Koenig, with SCS
 SB 105-Crawford, with SCS
 SB 114-Bernskoetter
 SB 123-Hough, with SS & SA 2 (pending)
 SB 131-Luetkemeyer
 SB 132-O'Laughlin, with SCS
 SB 134-O'Laughlin and Cierpiot

SB 137-Brattin
 SB 138-Brattin, with SCS
 SB 139-Bean
 SB 149-Onder
 SB 163-Cierpiot
 SB 168-Burlison
 SB 169-Burlison
 SB 174-Hough, with SCS
 SB 179-Luetkemeyer
 SB 182-O'Laughlin
 SB 183-O'Laughlin
 SB 184-Bean, with SCS
 SB 195-Koenig
 SB 198-Eigel, with SCS
 SB 204-Cierpiot, with SCS
 SB 206-Arthur
 SB 218-Luetkemeyer, with SCS
 SB 227-Arthur
 SB 236-Hough, with SCS
 SB 244-Onder
 SB 253-Hegeman
 SB 254-Riddle, with SCS, SS for SCS &
 SA 2 (pending)
 SB 255-Riddle
 SB 265-Eslinger
 SB 282-Hegeman, with SCS
 SB 287-Crawford
 SB 291-Brown

SB 295-Crawford, with SCS	SB 408-Wieland
SB 301-Bernskoetter, with SCS & SA 1 (pending)	SB 434-Washington
SB 306-Bernskoetter, with SCS	SB 437-Hoskins
SB 313-Eigel	SB 459-Brattin, with SCS
SB 316-Hough	SB 465-Hoskins, with SCS
SB 318-May, with SCS	SB 466-Hoskins, with SCS
SB 334-Bernskoetter	SB 473-Brown
SB 343-Brown	SB 481-Hough, et al
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 506-Bean
SB 360-Wieland, with SCS	SB 529-Cierpiot
SB 361-Wieland	SB 547-Hoskins, with SCS
SB 369-White	SB 561-Gannon
SB 370-Brown	SB 562-Schupp
SB 372-Riddle	SB 577-Riddle, with SCS
SB 375-Eigel	SB 582-Eslinger
SB 383-Moon	SB 604-Koenig, with SCS
SB 390-Luetkemeyer	SJR 2-Onder, with SCS
SB 399-Eigel	SJR 4-Koenig
SB 400-Onder, with SCS	SJR 7-Eigel
SB 404-Riddle	SJR 12-Luetkemeyer
	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS, SA 1 & SA 2 to SA 1 (pending) (Luetkemeyer)	HB 249-Ruth (Wieland)
HCS for HB 66 (Koenig)	HS for HB 297 (Rehder)
HCS#2 for HB 69, with SCS (Bean)	HB 299-Wallingford, with SCS (Eigel)
HCS#2 for HB 75 (Onder)	HCS for HB 320, with SCS (Cierpiot)
HCS for HBs 85 & 310, with SCS (Burlison)	HB 333-Simmons (Onder)
HCS for HB 137, with SCS (Luetkemeyer)	HCS for HB 334 (Schatz)
HB 139-Hudson (Burlison)	HCS for HB 350 (Rehder)
HCS for HB 162, with SCS (Hough)	HCS for HB 369 (Bernskoetter)
HCS for HB 228, with SCS (O'Laughlin)	HCS for HB 384, with SCS (Wieland)
HCS for HB 242, with SCS (Burlison)	HCS for HB 402 (Mosley)
	HS for HB 432, with SCS (White)
	HB 488-Hicks, with SCS (Burlison)

HCS for HB 508, with SCS (Bernskoetter)	HB 661-Ruth (Brown)
SS for SCS for HCS for HB 529 (Hoskins)	HB 670-Houx (Moon)
(In Fiscal Oversight)	HB 687-Riley (Hough)
HB 530 & HCS for HB 292, with SCS	HB 701-Black (Onder)
(Luetkemeyer)	HCS for HB 734, with SCS (Cierpiot)
SS for HB 542-Shields (Burlison)	HCS for HB 825, with SCS
(In Fiscal Oversight)	HB 850-Wiemann (Eigel)
HCS for HBs 557 & 560 (White)	HB 911-Hill (Onder)
HB 578-Bromley, with SCS (Brown)	HB 948-Francis, with SCS (Hoskins)
HB 585-Houx, with SCS (Brown)	HCS for HBs 1083, 1085, 1050, 1035,
SCS for HB 604-Gregory (51), (Crawford)	1036, 873 & 1097, with SS & SA 1
(In Fiscal Oversight)	(pending) (Bernskoetter)
HB 624-Richey (Arthur)	HCS for HBs 1123 & 1221 (Koenig)
HCS for HB 649, with SCS (Bernskoetter)	HCS for HJR 20, 2, 9 & 27 (Onder)
HB 657-Trent, with SCS (Hough)	HCS for HJR 23 & 38 (Eslinger)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 640-Morse (Bean)
HB 202-McGill (Gannon)	HB 1053-Patterson (Onder)
HB 404-Aldridge (May)	HB 296-Wallingford (White)
HB 449-Tate (Gannon)	HB 298-Wallingford (White)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 72-Eslinger, with HCS, as amended	SB 330-Burlison, with HCS, as amended
SB 303-Gannon, with HCS, as amended	

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 26-Eigel, with HCS, as amended	SB 37-Bernskoetter, with HA 1, HA 2, HA 3, HA 4, HA 5 & HA 6
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SS for SCS for SBs 53 & 60-Luetkemeyer,
with HCS, as amended

SS for SB 141-Bean, with HCS, as amended
SB 226-Koenig, with HCS, as amended

HCS for HB 271, with SS#2 for SCS, as
amended (Crawford)

HB 273-Hannegan, with SS#2 for SCS, as
amended (Riddle)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY—MONDAY, MAY 10, 2021

The Senate met pursuant to adjournment.

Senator Hough in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Faith comes by hearing and hearing by the Word of God.” (Romans 10:17)

Heavenly Father, we are beginning our final week of this session and so we ask that we may make good use of it. Grant that we having heard Your word are more open to hear the words of our colleagues and desire to know what is required of us to help them make happen what is most necessary to be done. Grant us Your Grace, O Lord, so we are open always to Your spirit’s prompting and always with courage to move forward what is right and proper to be completed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 7, 2021 was read and approved.

Senator White announced photographers from St. Louis Public Radio were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Washington—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Brown offered Senate Resolution No. 385, regarding Carl E. Cardin, Newburg, which was

adopted.

Senator Brown offered Senate Resolution No. 386, regarding Debra S. Barnes, Newburg, which was adopted.

Senator Brown offered Senate Resolution No. 387, regarding Brenda S. Hayes, Newburg, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator White submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 352**, with **SCS**; **SS** for **HB 542**; **SCS** for **HB 604**; **HJR 6**, with **SCS**; **SS** for **SCS** for **HCS** for **HB 529**; and **HB 834**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 162**, with **SCS**; and **HCS** for **HB 320**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SB 141**, with **HCS**, as amended: Senators Bean, Bernskoetter, Burlison, Beck and Schupp.

PRIVILEGED MOTIONS

Senator Burlison moved that the Senate refuse to concur in **SB 330**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Eslinger moved that the Senate refuse to concur in **SB 72**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Crawford moved that **SCS** for **HB 604** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 604** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hough	Koenig
May	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	White	Wieland

Williams—29

NAYS—Senator Moon—1

Absent—Senators

Brattin Hoskins—2

Absent with leave—Senator Washington—1

Excused from voting—Senator Luetkemeyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HS for **HB 432**, with **SCS**, entitled:

An Act to repeal sections 193.075 and 210.150, RSMo, and to enact in lieu thereof three new sections relating to the birth match program, with a penalty provision.

Was taken up by Senator White.

SCS for **HS** for **HB 432**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 432

An Act to repeal sections 193.075, 208.053, 208.227, 210.115, 210.150, 210.211, and 452.410, RSMo, and to enact in lieu thereof seventeen new sections relating to the protection of vulnerable persons, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator White moved that **SCS** for **HS** for **HB 432** be adopted.

Senator White offered **SS** for **SCS** for **HS** for **HB 432**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 432

An Act to repeal sections 192.2520, 193.075, 197.135, 208.018, 208.053, 208.227, 208.285, 210.115, 210.150, 210.201, 210.251, 210.950, and 452.410, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the protection of vulnerable persons, with penalty provisions and an emergency clause for a certain section.

Senator White moved that **SS** for **SCS** for **HS** for **HB 432** be adopted.

Senator White offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432,

Page 65, Section 452.410, Line 20, by inserting after all of said line the following:

“633.200. 1. [For purposes of this section, the term “autism spectrum disorder” shall be defined as in standard diagnostic criteria for pervasive developmental disorder, to include autistic disorder; Asperger’s syndrome; pervasive developmental disorder-not otherwise specified; childhood disintegrative disorder; and Rett’s syndrome.

2. There is hereby created the “Missouri Commission on Autism Spectrum Disorders” to be housed within the department of mental health. The department of mental health shall provide technical and administrative support as required by the commission. The commission shall meet on at least four occasions annually, including at least two occasions before the end of December of the first year the commission is fully established. The commission may hold meetings by telephone or video conference. The commission shall advise and make recommendations to the governor, general assembly, and relevant state agencies regarding matters concerning all state levels of autism spectrum disorder services, including health care, education, and other adult and adolescent services.

3. The commission shall be composed of twenty-four members, consisting of the following:

(1) Four members of the general assembly, with two members from the senate and two members from the house of representatives. The president pro tem of the senate shall appoint one member from the senate and the minority leader of the senate shall appoint one member from the senate. The speaker of the house shall appoint one member from the house of representatives and the minority leader of the house shall appoint one member from the house of representatives;

(2) The director of the department of mental health, or his or her designee;

(3) The commissioner of the department of elementary and secondary education, or his or her designee;

(4) The director of the department of health and senior services, or his or her designee;

(5) The director of the department of public safety, or his or her designee;

(6) The commissioner of the department of higher education and workforce development, or his or her designee;

(7) The director of the department of social services, or his or her designee;

(8) The director of the department of commerce and insurance, or his or her designee;

(9) Two representatives from different institutions of higher learning located in Missouri;

(10) An individual employed as a director of special education at a school district located in Missouri;

(11) A speech and language pathologist;

(12) A diagnostician;

(13) A mental health provider;

(14) A primary care physician;

(15) Two parents of individuals with autism spectrum disorder, including one parent of an individual under the age of eighteen and one parent of an individual over the age of eighteen;

(16) Two individuals with autism spectrum disorder;

- (17) A representative from an independent private provider or nonprofit provider or organization;
- (18) A member of a county developmental disability board.

The members of the commission, other than the members from the general assembly and ex-officio members, shall be appointed by the director of the department of mental health. A chair of the commission shall be selected by the members of the commission. Of the members first appointed to the commission by the governor, half shall serve a term of four years and half shall serve a term of two years, and thereafter, members shall serve a term of four years and may be reappointed. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. Members shall serve on the commission without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of mental health.

4. The members of the commission shall consist of a broad representation of Missouri citizens, both urban and rural, who are concerned with the health and quality of life for individuals with autism spectrum disorder.

5. The commission shall make recommendations for developing a comprehensive statewide plan for an integrated system of training, treatment, and services for individuals of all ages with autism spectrum disorder. By July 1, 2009, the commission shall issue preliminary findings and recommendations to the general assembly.

6. In preparing the state plan, the commission shall specifically perform the following responsibilities and report on them accordingly, in conjunction with state agencies and the office of autism services:

(1) Study and report on the means for developing a comprehensive, coordinated system of care delivery across the state to address the increased and increasing presence of autism spectrum disorder and ensure that resources are created, well-utilized, and appropriately spread across the state:

(a) Determine the need for the creation of additional centers for diagnostic excellence in designated sectors of the state, which could provide clinical services, including assessment, diagnoses, and treatment of patients;

(b) Plan for effectively evaluating regional service areas throughout the state and their capacity, including outlining personnel and skills that exist within the service area, other capabilities that exist, and resource needs that may be unmet;

(c) Assess the need for additional behavioral intervention capabilities and, as necessary, the means for expanding those capabilities in a regional service area;

(d) Develop recommendations for expanding these services in conjunction with hospitals after considering the resources that exist in terms of specialty clinics and hospitals, and hospital inpatient care capabilities;

(2) Conduct an assessment of the need for coordinated, enhanced and targeted special education capabilities within each region of the state;

(3) Develop a recommendation for enlisting appropriate universities and colleges to ensure support and collaboration in developing certification or degree programs for students specializing in autism spectrum

disorder intervention. This may include degree programs in education, special education, social work, and psychology; and

(4) Other responsibilities may include but not be limited to:

(a) Provide recommendations regarding training programs and the content of training programs being developed;

(b) Recommend individuals to participate in a committee of major stakeholders charged with developing screening, diagnostic, assessment, and treatment standards for Missouri;

(c) Participate in recommending a panel of qualified professionals and experts to review existing models of evidence-based educational practices for adaptation specific to Missouri;

(d) Examine the barriers to accurate information of the prevalence of individuals with autism spectrum disorder across the state and recommend a process for accurate reporting of demographic data;

(e) Explore the need for the creation of interagency councils and evaluation of current councils to ensure a comprehensive, coordinated system of care for all individuals with autism spectrum disorder;

(f) Study or explore other developmental delay disorders and genetic conditions known to be associated with autism, including fragile X syndrome; Sotos syndrome; Angelman syndrome; and tuberous sclerosis.] **For purposes of this section, the term “autism spectrum disorder” shall have the same meaning as the term is defined in the current Diagnostic and Statistical Manual of Mental Disorders.**

2. There is hereby created the “Missouri Commission on Autism Spectrum Disorders” to be housed within the department of mental health. The department of mental health shall provide technical and administrative support as required by the commission. The commission shall meet on at least four occasions annually, including at least two occasions before the end of December of the first year the commission is fully established. The commission may hold meetings by telephone or video conference.

3. The Missouri commission on autism spectrum disorders shall have the mission of producing an “Autism Roadmap for Missouri” encompassing the lifespan of a person living with an autism spectrum disorder. The autism roadmap shall discuss best practices for care and services within health care, education, vocational support, and community resources and highlight opportunities for improvement. The autism roadmap shall include:

(1) A targeted review of existing autism resources, initiatives, and funding;

(2) The identification of unmet needs or gaps; and

(3) Tangible recommendations for system improvements, including specific policy, programmatic, legislative, and funding recommendations.

4. The commission shall be composed of twenty-five members, consisting of the following:

(1) The director of the office of autism services within the department of mental health;

(2) The directors from three of the designated Missouri autism centers receiving state funding, or their designees;

(3) Two independent providers of autism diagnosis and related services in Missouri;

- (4) Three representatives from separate not-for-profit applied behavioral analysis and related allied health service providers in Missouri;**
- (5) Two representatives from the rural health care community whose practices or health care systems include care of individuals with autism;**
- (6) Two representatives from organizations providing vocational rehabilitation, educational, or adult service opportunities for individuals with autism spectrum disorders;**
- (7) Two special education professionals or administrators representing primary and secondary education in Missouri;**
- (8) The director of the department of mental health, or his or her designee;**
- (9) The commissioner of education, or his or her designee;**
- (10) The commissioner of higher education, or his or her designee;**
- (11) The director of the department of health and senior services, or his or her designee;**
- (12) The director of the department of social service, or his or her designee;**
- (13) The director of the department of commerce and insurance, or his or her designee;**
- (14) Two parents of individuals on the autism spectrum, one of whom shall be a parent of a child who is on the autism spectrum and who is preschool- or school-aged and the other shall be a parent of an adult who is on the autism spectrum; and**
- (15) Two adults with autism spectrum disorders.**

With the exception of department directors, the members of the commission shall be appointed by the director of the department of mental health. A chair of the commission shall be selected by the members of the commission. Members shall serve a term of four years, except that the directors of the designated Missouri autism centers shall only serve two year terms, but may be reappointed and shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. Members shall serve on the commission without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of mental health.

5. The commission shall conduct its work in four phases, with such phases including:

- (1) Transitioning to adulthood for those living with autism spectrum disorders, which shall include:**
 - (a) Organizing and reviewing existing systems, resources, and programs available to those living with autism spectrum disorders who are approaching adulthood;**
 - (b) Identifying unmet needs or gaps and prioritizing such needs for those living with an autism spectrum disorder who are approaching adulthood; and**
 - (c) Reviewing best practices and developing strategic goals to meet the needs of those living with an autism spectrum disorder who are approaching adulthood;**
- (2) Early identification and intervention for those living with autism spectrum disorders, which**

shall include:

(a) Organizing and reviewing existing systems, resources, and programs available to quickly identify and intervene in the lives of those living with an autism spectrum disorder;

(b) Identifying unmet needs or gaps and prioritizing such needs to quickly identify and intervene in the lives of those living with an autism spectrum disorder; and

(c) Reviewing best practices and developing strategic goals to quickly identify and intervene in the lives of those living with an autism spectrum disorder;

(3) Access to care for those living with autism spectrum disorders, which shall include:

(a) Organizing and reviewing existing systems, resources, and programs available that provide access to care for those living with an autism spectrum disorder;

(b) Identifying unmet needs or gaps and prioritizing such needs in providing access to care for those living with an autism spectrum disorder; and

(c) Reviewing best practices and developing strategic goals for providing access to care for those living with an autism spectrum disorder; and

(4) Challenging behavior and crisis care for those living with autism spectrum disorders, which shall include:

(a) Organizing and reviewing existing systems, resources, and programs available for challenging behavior and crisis care for those living with an autism spectrum disorder;

(b) Identifying unmet needs or gaps and prioritizing such needs for challenging behavior and crisis care for those living with an autism spectrum disorder; and

(c) Reviewing best practices and developing strategic goals for challenging behavior and crisis care for those living with an autism spectrum disorder.

6. The commission shall submit a report to the director of the department of mental health and the governor upon the completion of each phase. In addition, a final document summarizing all completed tasks and remaining recommendations shall be submitted to the director of the department of mental health and the governor upon the completion of all phases.

7. The first phase of work done by the commission shall commence on January 1, 2022, with each new phase commencing on January first of each of the following three years. The work in each phase shall be complete by December thirty-first of the year in which the phase began. Each report shall be submitted to the director of the department of mental health and the governor no later than April first following the completion of the phase.”; and

Further amend the title and enacting clause accordingly.

Senator White moved that the above amendment be adopted, which motion prevailed.

Senator Riddle offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432,

Page 65, Section 452.410, Line 20, by inserting after all of said line the following:

“566.150. 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment, a public swimming pool, [or] **athletic complex or athletic fields if such facilities exist for the primary use of recreation for children**, any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under eighteen years of age, **or Missouri department of conservation nature or education center properties**.

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

4. Any person who has been found guilty of an offense under subdivision (1) or (2) of subsection 1 of this section who is the parent, legal guardian, or custodian of a child under the age of eighteen attending a program on the property of a nature or education center of the Missouri department of conservation may receive permission from the nature or education center manager to be present on the property with the child during the program.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Beck offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432, Page 1, Section A, Line 9, by inserting after all of said line the following:

“160.3005. 1. Before July 1, 2022, the local board of education of each school district shall adopt a written policy that requires the administration of each public school building within the district to provide accommodations to lactating employees, teachers, and students to express breast milk, breast-feed a child, or address other needs relating to breast-feeding. The policy shall include provisions that require the district to provide a minimum of three opportunities during a school day, at intervals agreed upon by the district and the individual, to accommodate an employee’s, teacher’s, or student’s need to express breast milk or breast-feed a child. The policy shall include provisions that require such accommodations to be available to each lactating employee, teacher, or student for at least one year following the birth of the employee’s, teacher’s, or student’s child, and that permit such accommodations to be available for longer than one year as determined by each local school board.

2. District policies shall require each school building to contain suitable accommodation in the form of a room, other than a restroom, for the exclusive use of women to express breast milk or breast-feed a child. Such accommodation shall be located in close proximity to a sink with running water and a refrigerator for breast milk storage and have, at a minimum, the following features:

- (1) Ventilation and a door that may be locked for privacy;**
- (2) A work surface and a chair; and**
- (3) Conveniently-placed electrical outlets.**

3. The department of elementary and secondary education shall develop a model policy that satisfies the requirements of subsections 1 and 2 of this section before January 1, 2022.

4. The department of elementary and secondary education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432, Page 65, Section 376.1228, Line 26, by inserting after all of said line the following:

“376.1551. 1. As used in this section, the following terms mean:

- (1) “Health benefit plan”, the same meaning given to the term in section 376.1350;**
- (2) “Health carrier”, the same meaning given to the term in section 376.1350;**
- (3) “Mental health condition”, the same meaning given to the term in section 376.1550.**

2. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy,

short-term major medical policy of twelve months' or less duration, a health benefit plan in the small group market that was issued before January 1, 2014, or a health benefit plan in the individual market that was purchased before January 1, 2014, or any other supplemental policy as determined by the director of the department of commerce and insurance.

4. The director may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432, Page 52, Section 210.1225, Line 12, by inserting after all of said line the following:

“211.211. 1. A child is entitled to be represented by counsel in all proceedings under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031.

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.

3. (1) When a petition has been filed under subdivision (2) or (3) of subsection 1 of section 211.031, the court [shall] **may** appoint counsel for the child except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law; **except that, counsel shall not be waived for any proceeding specified under subsection 10 of this section unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.**

(2) If a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing and shall be made knowingly, intelligently, and voluntarily. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances including, but not limited to, the child's age, intelligence, background, and experience generally and in the court system specifically; the child's emotional stability; and the complexity of the proceedings.

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

(1) That the custodian is indigent; and

(2) That the custodian desires the appointment of counsel; and

(3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his **or her** right to counsel only with the approval of the court **and if such waiver is not prohibited under subsection 10 of this section. If a child waives his or her right to counsel for any proceeding except proceedings under subsection 10 of this section, the waiver shall only apply to that proceeding. In any subsequent proceeding, the child shall be informed of his or her right to counsel.**

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

10. A child's right to be represented by counsel shall not be waived in any of the following proceedings:

(1) At any contested detention hearing under Missouri supreme court rule 127.08 where the petitioner alleges that the child violated any law that, if committed by an adult, would be a felony unless an agreement is otherwise reached;

(2) At a certification hearing under section 211.071 or a dismissal hearing under Missouri supreme court rule 129.04;

(3) At an adjudication hearing under Missouri supreme court rule 128.02 for any felony offense or at any detention hearing arising from a misdemeanor or felony motion to modify or revoke, including the acceptance of an admission;

(4) At a dispositional hearing under Missouri supreme court rule 128.03; or

(5) At a hearing on a motion to modify or revoke supervision under subdivision (2) or (3) of subsection 1 of section 211.031.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432, Page 1, Section A, Line 9, by inserting after all of said line the following:

“160.263. 1. As used in this section, the following terms mean:

(1) “Mechanical restraint”, the use of any device or equipment to restrict a student’s freedom of movement. “Mechanical restraint” shall not include devices implemented by trained personnel or used by a student with a prescription for such devices from an appropriate medical or related services professional and that are used for specific and approved purposes for which such devices were designed, such as the following:

(a) Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;

(b) Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;

(c) Restraints for medical immobilization; or

(d) Orthopedically prescribed devices that permit a student to participate in activities without risk;

(2) “Physical restraint”, a personal restriction such as person-to-person physical contact that immobilizes, reduces, or restricts the ability of a student to move the student’s torso, arms, legs, or head freely. “Physical restraint” shall not include:

(a) A physical escort, which is a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student to walk to a safe location;

(b) Comforting or calming a student;

(c) Holding a student’s hand to transport the student for safety purposes;

(d) Intervening in a fight; or

(e) Using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(3) “Prone restraint”, using mechanical or physical restraint or both to restrict a student’s movement while the student is lying with the student’s front or face downward;

(4) “Restraint” includes, but is not limited to, mechanical restraint, physical restraint, and prone restraint;

(5) “Seclusion”, the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving and that complies with the building code in effect in the school district. “Seclusion” shall not include the following:

(a) A timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a nonlocked setting, and is implemented for the purpose of calming;

(b) In-school suspension;

(c) Detention; or

(d) Other appropriate disciplinary measures.

2. The school discipline policy under section 160.261 shall [prohibit] **reserve** confining a student in [an unattended, locked space except for an emergency situation while awaiting the arrival of law enforcement personnel] **seclusion for situations or conditions in which there is imminent danger of physical harm to self or others.**

3. For all school years beginning on or after July 1, 2022, no school district, charter school, or publicly contracted private provider shall use any mechanical, physical, or prone restraint technique that:

(1) **Obstructs views of the student's face;**

(2) **Obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia;**

(3) **Places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen, or genitals;**

(4) **Obstructs the student's circulation of blood;**

(5) **Involves pushing on or into the student's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets, or washcloths;**

(6) **Endangers the student's life or significantly exacerbates the student's medical condition;**

(7) **Is purposely designed to inflict pain;**

(8) **Restricts the student from communicating. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have the student's hands free of restraint for brief periods unless an employee determines that such freedom appears likely to result in harm to self or others.**

[2.] 4. (1) By July 1, 2011, the local board of education of each school district shall adopt a written policy that comprehensively addresses the use of restrictive behavioral interventions as a form of discipline or behavior management technique. The policy shall be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the safe schools act. The policy shall include but not be limited to:

[(1)] (a) Definitions of restraint, seclusion, and time-out and any other terminology necessary to describe the continuum of restrictive behavioral interventions available for use or prohibited in the district, **consistent with the provisions of this section;**

[(2)] (b) Description of circumstances under which a restrictive behavioral intervention is allowed and prohibited, **consistent with the provisions of this section,** and any unique application requirements for specific groups of students such as differences based on age, disability, or environment in which the educational services are provided;

[(3)] (c) Specific implementation requirements associated with a restrictive behavioral intervention such

as time limits, facility specifications, training requirements or supervision requirements; and

[(4)] (d) Documentation, notice and permission requirements associated with use of a restrictive behavioral intervention.

(2) Before July 1, 2022, each written policy adopted under this subsection shall be updated to prohibit the school district, charter school, or publicly contracted private provider from using any restraint that employs any technique listed in subsection 3 of this section.

(3) Before July 1, 2022, each written policy adopted under this subsection shall be updated to state that the school district, charter school, or publicly contracted private provider will reserve restraint or seclusion for situations or conditions in which there is imminent danger of physical harm to self or others.

5. Before July 1, 2022, each school district, charter school, and publicly contracted private provider shall ensure that the policy adopted under subsection 4 of this section requires the following:

(1) Any student placed in seclusion or restraint shall be removed from such seclusion or restraint as soon as the school district, charter school, or publicly contracted private provider determines that the student is no longer an imminent danger of physical harm to self or others;

(2) All school district, charter school, and publicly contracted private provider personnel shall annually review the policy and procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques the school district, charter school, or publicly contracted private provider uses under this section;

(3) (a) Each time seclusion or restraint is used for a student, the incident shall be monitored by a member of the school district, charter school, or publicly contracted private provider personnel, and a report shall be completed by the school district, charter school, or publicly contracted private provider that contains, at a minimum, the following:

a. The date, time of day, location, duration, and description of the incident and interventions;

b. Any event leading to the incident and the reason for using seclusion or restraint;

c. A description of the methods of seclusion or restraint used;

d. The nature and extent of any injury to the student;

e. The names, roles, and certifications of each employee involved in the use of seclusion or restraint;

f. The name, role, and signature of the person who prepared the report;

g. The name of an employee whom the parent or guardian can contact regarding the incident and use of seclusion or restraint;

h. The name of an employee to contact if the parent or guardian wishes to file a complaint; and

i. A statement directing parents and legal guardians to a sociological, emotional, or behavioral support organization and a hotline number to report child abuse and neglect.

(b) The school district, charter school, or publicly contracted private provider shall maintain the

report as an education record of the student, provide a copy to the parent or legal guardian within five school days, and a copy of each incident report shall be given to the department of elementary and secondary education within thirty days of the incident;

(4) The school district, charter school, or publicly contracted private provider shall attempt to notify the parents or legal guardians as soon as possible but no later than one hour after the end of the school day on which the use of seclusion or restraint occurred. Notification shall be oral or electronic and shall include a statement indicating that the school district, charter school, or publicly contracted private provider will provide the parents or legal guardians a copy of the report described in subdivision (3) of this subsection within five school days;

(5) An officer, administrator, or employee of a public school district or charter school shall not retaliate against any person for having:

(a) Reported a violation of any policy established under this section or failure of a district or charter school to follow any provisions of this section in relation to incidents of seclusion and restraint; or

(b) Provided information regarding a violation of this section by a public school district or charter school or a member of the staff of the public school district or charter school.

6. The department of elementary and secondary education shall compile and maintain all incidents reported under this section in the department's core data system and make such data available on the Missouri comprehensive data system. No personally identifiable data shall be accessible on the database.

[3.] 7. The department of elementary and secondary education shall, in cooperation with appropriate associations, organizations, agencies and individuals with specialized expertise in behavior management, develop a model policy that satisfies the requirements of subsection 2 of this section **as it existed on August 28, 2009**, by July 1, 2010, and shall update such model policy to include the requirements of subdivisions (2) and (3) of subsection 4 and subsection 5 of this section by July 1, 2022.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432, Page 46, Section 210.251, Line 18, by inserting after all of said line the following:

“210.252. 1. All buildings and premises used by a child-care facility to care for more than six children except those exempted from the licensing provisions of the department of health and senior services pursuant to subdivisions (1) to (15) of subsection 1 of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, the marshal's designee or officials of a local fire district and for health and sanitation by the department of [health and senior services] **elementary and secondary education or the department's designee, including officials of the department of health and senior services**, or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child-care facility.

2. Local inspection of child-care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of [health and senior services] **elementary and secondary education** and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of [health and senior services] **elementary and secondary education**. Local inspectors may grant a variance, subject to approval by the department.

4. The department of [health and senior services] **elementary and secondary education** shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, **the department of elementary and secondary education**, local fire departments and local health agencies.

5. The department of [health and senior services] **elementary and secondary education** shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

6. **The department of health and senior services, after consultation with the department of elementary and secondary education, may promulgate rules and regulations to implement and administer the provisions of this section related to sanitation requirements. Such rules and regulations shall provide for the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.**

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.252 to 210.256 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

President Kehoe assumed the Chair.

Senator O’Laughlin offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432, Page 1, Section A, Line 9, by inserting after all of said line the following:

“162.686. 1. No school district or charter school shall prohibit a parent or legal guardian of a

student from recording by audio any meeting held under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq., as amended, or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

2. Any recording made by a parent or legal guardian under this section shall be the property of the parent or legal guardian creating the recording. No recording made under this section shall be construed to be a public record made by or prepared for any public governmental body under chapter 610.

3. No school district or charter school shall impose pre-meeting notification requirements of recording by a parent or legal guardian of more than twenty-four hours.

4. No school district or charter school employee who reports any violations under this section shall be subject to discharge, retaliation, or any other adverse employment action for making such report.”; and

Further amend the title and enacting clause accordingly.

Senator O’Laughlin moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 432, Page 65, Section 376.1228, Line 26, by inserting after all of said line the following:

“376.2034. 1. If coverage of a prescription drug for the treatment of any medical condition is restricted for use by a health carrier, health benefit plan, or utilization review organization via a step therapy protocol, a patient, through his or her health care provider, shall have access to a clear, convenient, and readily accessible process to request a step therapy override exception determination. A health carrier, health benefit plan, or utilization review organization may use its existing medical exceptions process to satisfy this requirement. The process shall be disclosed to the patient and health care provider, which shall include the necessary documentation needed to process such request and be made available on the health carrier plan or health benefit plan website.

2. A step therapy override exception determination shall be granted if the patient has tried the step therapy required prescription drugs while under his or her current or previous health insurance or health benefit plan, and such prescription drugs were discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event, **or if the patient’s treating health care provider attests that coverage of the prescribed prescription drug is necessary to save the life of the patient.** Pharmacy drug samples shall not be considered trial and failure of a preferred prescription drug in lieu of trying the step therapy required prescription drug.

3. The health carrier, health benefit plan, or utilization review organization may request relevant documentation from the patient or provider to support the override exception request.

4. Upon the granting of a step therapy override exception request, the health carrier, health benefit plan, or utilization review organization shall authorize dispensation of and coverage for the prescription drug prescribed by the patient’s treating health care provider, provided such drug is a covered drug under such policy or contract.

5. This section shall not be construed to prevent:

(1) A health carrier, health benefit plan, or utilization review organization from requiring a patient to try a generic equivalent or other brand name drug prior to providing coverage for the requested prescription drug; or

(2) A health care provider from prescribing a prescription drug he or she determines is medically appropriate.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator White moved that **SS** for **SCS** for **HS** for **HB 432**, as amended, be adopted, which motion prevailed.

Senator White moved that **SS** for **SCS** for **HS** for **HB 432**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HS** for **HB 432**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HCS No. 2 for **HB 69**, with **SCS**, entitled:

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof one new section relating to keeping records for the sale of metal, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Bean.

SCS for **HCS No. 2** for **HB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 69

An Act to repeal sections 407.292, 407.300, and 570.030, RSMo, and to enact in lieu thereof four new sections relating to certain metals, with penalty provisions.

Was taken up.

Senator Bean moved that **SCS** for **HCS No. 2** for **HB 69** be adopted, which motion prevailed.

On motion of Senator Bean, **SCS** for **HCS No. 2** for **HB 69** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Rizzo	Roberts	Rowden	Schupp
White	Wieland	Williams—31				

NAYS—Senator Riddle—1

Absent—Senator Schatz—1

Absent with leave—Senator Washington—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bean, title to the bill was agreed to.

Senator Bean moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 734, with SCS, entitled:

An Act to repeal sections 393.106, 393.355, and 400.9-109, RSMo, and to enact in lieu thereof seven new sections relating to ratemaking for electrical corporations.

Was called up from the Informal Calendar and taken up by Senator Cierpiot.

SCS for HCS for HB 734, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 734

An Act to repeal sections 393.106, 393.355, and 400.9-109, RSMo, and to enact in lieu thereof eight new sections relating to utilities.

Was taken up.

Senator Cierpiot moved that **SCS for HCS for HB 734** be adopted.

Senator Cierpiot offered **SS for SCS for HCS for HB 734**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 734

An Act to repeal sections 386.370, 393.106, 393.355, 394.120, and 400.9-109, RSMo, and to enact in lieu thereof eleven new sections relating to utilities.

Senator Cierpiot moved that **SS for SCS for HCS for HB 734** be adopted.

Pursuant to Senate Rule 91, Senator Hegeman excused himself from voting on the 3rd reading of **SS for SCS for HCS for HB 734**.

Senator Bernskoetter offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, Page 1, Section 67.309, Line 12, by inserting after all of said line the following:

“91.025. 1. As used in this section, the following terms mean:

(1) “Municipally owned or operated electric power system”, a system for the distribution of electrical

power and energy to the inhabitants of a municipality which is owned and operated by the municipality itself, whether operated under authority pursuant to this chapter or under a charter form of government;

(2) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure’s anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(3) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical corporation, rural electric cooperative, municipally owned or operated electric power system, or joint municipal utility commission. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a municipally owned or operated electrical system, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by a customer, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over municipally owned or operated electric systems to accomplish the purpose of this section. The commission’s jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such municipally owned or operated electrical system, and nothing in this section, section 393.106, and section 394.315 shall affect the rights, privileges or duties of any municipality to form or operate municipally owned or operated electrical systems. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred.

3. Notwithstanding the provisions of this section, section 393.106, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric supplier may provide permanent service to the new structure upon the request of the owner of the new structure.”; and

Further amend said bill, page 4, section 386.370, line 77, by inserting after all of said line the following:

“386.800. 1. No municipally owned electric utility may provide electric energy at retail to any structure located outside the municipality’s corporate boundaries after July 11, 1991, unless:

(1) The structure was lawfully receiving permanent service from the municipally owned electric utility prior to July 11, 1991; or

(2) The service is provided pursuant to an approved territorial agreement under section 394.312; **or**

(3) The service is provided pursuant to lawful municipal annexation and subject to the provisions of this section; or

(4) The structure is located in an area which was previously served by an electrical corporation regulated under chapter 386, and chapter 393, and the electrical corporation's authorized service territory was contiguous to or inclusive of the municipality's previous corporate boundaries, and the electrical corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11, 1991. In the event that a municipally owned electric utility in a city with a population of more than one hundred twenty-five thousand located in a county of the first class not having a charter form of government and not adjacent to any other county of the first class desires to serve customers beyond the authorized service territory in an area which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this subdivision, **in the absence of an approved territorial agreement under section 394.312**, the municipally owned utility shall apply to the public service commission for an order assigning nonexclusive service territories **and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located in or within one mile outside of the boundaries of the proposed expanded service territory**. The proposed service area shall be contiguous to the authorized service territory which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as a condition precedent to the granting of the application. The commission shall have one hundred twenty days from the date of application to grant or deny the requested order. The commission **after a hearing** may grant the order upon a finding that granting of the applicant's request is not detrimental to the public interest. In granting the applicant's request the commission shall give due regard to territories previously granted to **or served by** other electric service suppliers **and the wasteful duplication of electric service facilities**.

2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its **electric** service territory to include [any structure located within a newly annexed area which has not received permanent service from another supplier within ninety days prior to the effective date of the annexation] **areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities with adequate and necessary service capability located in or within one mile outside the boundaries of the area proposed to be annexed, a majority of the existing developers, landowners, or prospective electric customers in the area proposed to be annexed may, anytime within forty-five days prior to the effective date of the annexation, submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations under section 394.312 to determine which electric service supplier is best suited to serve all or portions of the newly annexed area. In such negotiations the following factors shall be considered, at a minimum:**

(1) The preference of landowners and prospective electric customers;

(2) The rates, terms, and conditions of service of the electric service suppliers;

(3) The economic impact on the electric service suppliers;

(4) Each electric service supplier's operational ability to serve all or portions of the annexed area

within three years of the date the annexation becomes effective;

(5) Avoiding the wasteful duplication of electric facilities;

(6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and

(7) Preventing the waste of materials and natural resources.

If the municipally owned electric utility and rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then they may submit proposals to those submitting the original written request, whose preference shall control, section 394.080 to the contrary notwithstanding, and the governing body of the annexing municipality shall not reject the petition requesting annexation based on such preference. This subsection shall not apply to municipally-owned property in any newly annexed area.

3. In the event an electrical corporation rather than a municipally owned electric utility lawfully is providing electric service in the municipality, all the provisions of subsection 2 of this section shall apply equally as if the electrical corporation were a municipally owned electric utility, except that if the electrical corporation and the rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then either electric service supplier may file an application with the commission for an order determining which electric service supplier should serve, in whole or in part, the area to be annexed. The application shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. The commission after the opportunity for hearing shall make its determination after consideration of the factors set forth in subdivisions (1) through (7) of subsection 2 of this section, and section 394.080 to the contrary notwithstanding, may grant its order upon a finding that granting of the applicant's request is not detrimental to the public interest. The commission shall issue its decision by report and order no later than one hundred twenty days from the date of the application unless otherwise ordered by the commission for good cause shown. Review of such commission decisions shall be governed by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the commission shall charge to the rural electric cooperative the appropriate fees as set forth in subsection 9 of this section.

[3.] 4. When a municipally owned electric utility desires to extend its service territory to include any structure located within a newly annexed area which has received permanent service from another **electric service** supplier within ninety days prior to the effective date of the annexation, it shall:

(1) Notify by publication in a newspaper of general circulation the record owner of said structure, and notify in writing any affected electric **service** supplier and the public service commission, within sixty days after the effective date of the annexation its desire to extend its service territory to include said structure; and

(2) Within six months after the effective date of the annexation receive the approval of the municipality's governing body to begin negotiations pursuant to section 394.312 with [any] **the** affected electric **service** supplier.

[4.] 5. Upon receiving approval from the municipality's governing body pursuant to subsection [3] 4 of this section, the municipally owned electric utility and the affected electric **service** supplier shall meet and negotiate in good faith the terms of the territorial agreement and any transfers or acquisitions, including, as an alternative, granting the affected electric **service** supplier a franchise or authority to continue

providing service in the annexed area. In the event that the affected electric **service** supplier does not provide wholesale electric power to the municipality, if the affected electric **service** supplier so desires, the parties [shall] **may** also negotiate, consistent with applicable law, regulations and existing power supply agreements, for power contracts which would provide for the purchase of power by the municipality from the affected electric **service** supplier for an amount of power equivalent to the loss of any sales to customers receiving permanent service at structures within the annexed areas which are being sought by the municipally owned electric utility. The parties shall have no more than one hundred eighty days from the date of receiving approval from the municipality's governing body within which to conclude their negotiations and file their territorial agreement with the commission for approval under the provisions of section 394.312. The time period for negotiations allowed under this subsection may be extended for a period not to exceed one hundred eighty days by a mutual agreement of the parties and a written request with the public service commission.

[5.] **6.** For purposes of this section, the term "fair and reasonable compensation" shall mean the following:

(1) The present-day reproduction cost, new, of the properties and facilities serving the annexed areas, less depreciation computed on a straight-line basis; and

(2) An amount equal to the reasonable and prudent cost of detaching the facilities in the annexed areas and the reasonable and prudent cost of constructing any necessary facilities to reintegrate the system of the affected electric **service** supplier outside the annexed area after detaching the portion to be transferred to the municipally owned electric utility; and

(3) [Four] **Two** hundred percent of gross revenues less gross receipts taxes received by the affected electric **service** supplier from the twelve-month period preceding the approval of the municipality's governing body under the provisions of subdivision (2) of subsection [3] **4** of this section, normalized to produce a representative usage from customers at the subject structures in the annexed area; and

(4) Any federal, state and local taxes which may be incurred as a result of the transaction, including the recapture of any deduction or credit; and

(5) Any other costs reasonably incurred by the affected electric supplier in connection with the transaction.

[6.] **7.** In the event the parties are unable to reach an agreement under subsection [4] **5** of this section, within sixty days after the expiration of the time specified for negotiations, the municipally owned electric utility **or the affected electric service supplier** may apply to the commission for an order assigning exclusive service territories within the annexed area and a determination of the fair and reasonable compensation amount to be paid to the affected electric **service** supplier under subsection [5] **6** of this section. Applications shall be made and notice of such filing shall be given to all affected parties pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission. The commission shall hold evidentiary hearings to assign service territory between **the** affected electric **service** suppliers inside the annexed area and to determine the amount of compensation due any affected electric **service** supplier for the transfer of plant, facilities or associated lost revenues between electric **service** suppliers in the annexed area. The commission shall make such determinations based on findings of what best serves the public interest and shall issue its decision by report

and order. Review of such commission decisions shall be governed by sections 386.500 to 386.550. The payment of compensation and transfer of title and operation of the facilities shall occur within ninety days after the order and any appeal therefrom becomes final unless the order provides otherwise.

[7.] **8.** In reaching its decision under subsection [6] **7** of this section, the commission shall consider the following factors:

(1) Whether the acquisition or transfers sought by the municipally owned electric utility within the annexed area from the affected electric **service** supplier are, in total, in the public interest, including **the preference of the owner of any affected structure**, consideration of rate disparities between the competing electric **service** suppliers, and issues of unjust rate discrimination among customers of a single electric **service** supplier if the rates to be charged in the annexed areas are lower than those charged to other system customers; and

(2) The fair and reasonable compensation to be paid by the municipally owned electric utility, to the affected electric **service** supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers; and

(3) Any effect on system operation, including, but not limited to, loss of load and loss of revenue; and

(4) Any other issues upon which the municipally owned electric utility and the affected electric **service** supplier might otherwise agree, including, but not limited to, the valuation formulas and factors contained in subsections [4, 5 and 6] **5, 6, and 7**, of this section, even if the parties could not voluntarily reach an agreement thereon under those subsections.

[8.] **9.** The commission is hereby given all necessary jurisdiction over municipally owned electric utilities and rural electric cooperatives to carry out the purposes of this section consistent with other applicable law; provided, however, the commission shall not have jurisdiction to compel the transfer of customers or structures with a connected load greater than one thousand kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary costs incurred by the commission in carrying out its duties under this section. **Nothing in this section shall be construed as otherwise conferring upon the public service commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally owned electric utility, except as provided in this section.**

10. Notwithstanding sections 394.020 and 394.080 to the contrary, a rural electric cooperative may provide electric service within the corporate boundaries of a municipality if such service is provided:

(1) Pursuant to subsections 2 through 9 of this section; and

(2) Such service is conditioned upon the execution of the appropriate territorial and municipal franchise agreements, which may include a nondiscriminatory requirement, consistent with other applicable law, that the rural electric cooperative collect and remit a sales tax based on the amount of electricity sold by the rural electric cooperative within the municipality.”; and

Further amend said bill, page 10, section 393.106, line 85, by inserting after all of said line the following:

“4. Notwithstanding the provisions of this section, section 91.025, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service

to the new structure upon the request of the owner of the new structure.”; and

Further amend said bill, page 62, section 393.1715, line 150, by inserting after all of said line the following:

“394.020. In this chapter, unless the context otherwise requires,

(1) “Member” means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership;

(2) “Person” includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic; and

(3) “Rural area” shall be deemed to mean any area of the United States not included within the boundaries of any city, town or village having a population in excess of [fifteen] **sixteen** hundred inhabitants, and such term shall be deemed to include both the farm and nonfarm population thereof. **The number of inhabitants specified in this subsection shall be increased by six percent every ten years after each decennial census beginning in 2030.”; and**

Further amend said bill, page 63, section 394.120, line 57, by inserting after all of said line the following:

“394.315. 1. As used in this section, the following terms mean:

(1) “Permanent service”, electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure’s anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) “Structure” or “structures”, an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on [a rural electric cooperative] **an electric supplier** to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a rural electric cooperative, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The commission’s jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided herein, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such cooperative, and except as provided in this section, nothing contained herein shall affect the

rights, privileges or duties of existing cooperatives pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section, section 91.025, section 393.106, and section 394.080 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.”; and

Further amend the title and enacting clause accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, Page 1, Section 67.309, Line 12, by inserting after all of said line the following:

“204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question[, and] **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification without a charter form of government adjacent to a county of the first classification with a charter form of government and a population of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where “customer”, as used**

in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district. The principal and interest of such bonds shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict's advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that above amendment be adopted, which motion prevailed.

Senator Riddle offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, Page 1, Section 67.309, Line 12, by inserting after all of said line the following:

“137.123. 1. Beginning January 1, 2022, for purposes of assessing all real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity, the following depreciation tables shall be used to determine the true value in money of such property. The first year shown in the table shall be the year immediately following the year of construction of the property. The original costs shall reflect either:

(1) The actual and documented original property cost to the taxpayer, as shall be provided by the taxpayer to the assessor; or

(2) In the absence of actual and documented original property cost to the taxpayer, the estimated cost of the property by the assessor, using an authoritative cost guide.

For purposes of this section, and to estimate the value of all real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity, each assessor shall apply the percentage shown to the original cost for the first year following the year of construction of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	Percentage
1	40%
2	40%
3	37%
4	37%

5

35%

Any real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity shall continue in subsequent years to have the depreciation percentage last listed in the appropriate column in the table.

2. Nothing in this section shall be construed to prohibit a project from engaging in enhanced enterprise zone agreements under sections 135.950 to 135.973 or similar tax abatement agreements with state or local officials or to affect any existing enhanced enterprise zone agreements.

153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall be apportioned to the physical location of the distributable property.

5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:

(a) Using the methodology for property tax purposes as provided under this section; or

(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.

(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.

(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.

(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

a. In determining the amount of state aid that a school district receives under section 163.031;

b. In determining the amount that may be collected under a property tax levy by such district; or

c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

- a. Assessed under paragraph (b) of subdivision (1) of this subsection; and
- b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls;

(b) [Any property consisting of land and buildings related to the wind energy project shall be assessed under chapter 137; and

(c)] All other [business] **real property, excluding land**, or personal property related to the wind energy project shall be assessed using the methodology provided under section [137.122] **137.123**.

7. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, for any public utility company assessed pursuant to this chapter which has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be assessed as follows:

(a) Any property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction shall be assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility company for cost information of the generation portion of the property as found in the public utility company's Federal Energy Regulatory Commission Financial Report Form Number One at the time of transfer of ownership, and depreciate the costs provided in a manner similar to other commercial and industrial property.

(b) Any property consisting of land and buildings related to the generation property associated

with a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed under chapter 137; and

(c) All other business or personal property related to a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed using the methodology provided under section 137.122.

153.034. 1. The term “distributable property” of an electric company shall include all the real or tangible personal property which is used directly in the generation and distribution of electric power, but not property used as a collateral facility nor property held for purposes other than generation and distribution of electricity. Such distributable property includes, but is not limited to:

- (1) Boiler plant equipment, turbogenerator units and generators;
- (2) Station equipment;
- (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- (4) Substation equipment and fences;
- (5) Rights-of-way;
- (6) Reactor, reactor plant equipment, and cooling towers;
- (7) Communication equipment used for control of generation and distribution of power;
- (8) Land associated with such distributable property.

2. The term “local property” of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section as distributable property. Such local property includes, but is not limited to:

- (1) Motor vehicles;
- (2) Construction work in progress;
- (3) Materials and supplies;
- (4) Office furniture, office equipment, and office fixtures;
- (5) Coal piles and nuclear fuel;
- (6) Land held for future use;
- (7) Workshops, warehouses, office buildings and generating plant structures;
- (8) Communication equipment not used for control of generation and distribution of power;
- (9) Roads, railroads, and bridges;
- (10) Reservoirs, dams, and waterways;
- (11) Land associated with other locally assessed property and all generating plant land.

3. (1) Any real or tangible personal property associated with a project which uses wind energy directly to generate electricity shall be valued and taxed by local authorities having jurisdiction under the provisions

of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system. Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

4. For any real or tangible personal property associated with a generation project which was originally constructed utilizing financing authorized under chapter 100 for construction, upon the transfer of ownership of such property to a public utility, such property shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.”; and

Further amend said bill, page 67, Section 400.9-109, line 102, by inserting after all of said line the following:

“[393.1073. 1. There is hereby established the “Task Force on Wind Energy”, which shall be composed of the following members:

(1) Three members of the house of representatives, with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives;

(2) Three members of the senate, with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate; and

(3) Two representatives from Missouri county governments with experience in wind energy valuations, with one being a currently elected county assessor to be appointed by the speaker of the house of representatives, and one being a currently elected county clerk to be appointed by the president pro tempore of the senate.

2. The task force shall conduct public hearings and research, and shall compile a report for delivery to the general assembly by no later than December 31, 2019. Such report shall include information on the following:

(1) The economic benefits and drawbacks of wind turbines to local communities and the state;

(2) The fair, uniform, and standardized assessment and taxation of wind turbines and their connected equipment owned by a public utility company at the county level in all counties;

(3) Compliance with existing federal and state programs and regulations; and

(4) Potential legislation that will provide a uniform assessment and taxation methodology for wind turbines and their connected equipment owned by a public utility company that will be used in every county of Missouri.

3. The task force shall meet within thirty days after its creation and shall organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it. A majority of the task force shall constitute a quorum, and a majority vote of such quorum shall be required for any action.

4. The staff of house research and senate research shall provide necessary clerical, research, fiscal, and legal services to the task force, as the task force may request.

5. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred in the performance of the task force’s official duties by the task force, its members, and any staff assigned to the task force shall be paid from the joint contingent fund.

6. This section shall expire on December 31, 2019.]”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that above amendment be adopted, which motion prevailed.

Senator Cierpiot moved that **SS** for **SCS** for **HCS** for **HB 734**, as amended, be adopted, which motion prevailed.

On motion of Senator Cierpiot, **SS** for **SCS** for **HCS** for **HB 734**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eslinger	Gannon	Hoskins	Hough	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schupp	White	Wieland	Williams—27	

NAYS—Senators

Eigel	Moon	Onder—3
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Absent—Senators

Koenig	Schatz—2
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Absent with leave—Senator Washington—1

Excused from voting—Senator Hegeman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HB 948, with **SCS**, introduced by Representative Francis, entitled:

An Act to repeal sections 135.305, 135.686, and 348.436, RSMo, and to enact in lieu thereof three new sections relating to tax credits for agricultural purposes.

Was called from the Informal Calendar and taken up by Senator Hoskins.

SCS for **HB 948**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 948

An Act to repeal sections 135.305, 135.686, and 348.436, RSMo, and to enact in lieu thereof ten new sections relating to tax credits for agricultural purposes.

Was taken up.

Senator Hoskins moved that **SCS** for **HB 948** be adopted.

Senator Hoskins offered **SS** for **SCS** for **HB 948**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 948

An Act to repeal sections 135.305, 135.686, 135.750, and 348.436, RSMo, and to enact in lieu thereof thirteen new sections relating to tax credits.

Senator Hoskins moved that **SS** for **SCS** for **HB 948** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 948, Page 1, Section 135.305, Line 11, by striking “2027” and inserting in lieu thereof the following: **“2026”**; and

Further amend said bill, section 135.686, page 2, line 17, by striking “2027” and inserting in lieu thereof the following: **“2026”**; and

Further amend said bill and section, page 3, line 63, by striking “2027” and inserting in lieu thereof the following: **“2026”**; and

Further amend said bill, page 11, Section 135.750, line 147, by striking “2027” and inserting in lieu thereof the following: **“2026”**; and

Further amend said bill, section 135.755, page 13, line 55, by striking “2027” and inserting in lieu thereof the following: **“2026”**; and

Further amend said bill, section 135.775, page 15, line 79, by striking “2027” and inserting in lieu thereof the following: **“2026”**; and

Further amend said bill, page 16, section 348.436, line 2, by striking “2027” and inserting in lieu thereof the following: **“2026”**; and

Further amend said bill, section 620.3515, page 22, line 4, by striking “twenty-five” and inserting in lieu thereof the following: **“fifteen”**.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 948, Page 15, Section 135.775, Line 87, by inserting after all of said line the following:

“135.1610. 1. As used in this section, the following terms mean:

(1) “Eligible expenses”, expenses incurred in the construction or development of establishing or improving an urban farm in an urban area;

(2) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(3) “Taxpayer”, any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income

tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(4) “Urban area”, an urbanized area as defined by the United States Census Bureau;

(5) “Urban farm”, an agricultural plot or facility in an urban area that produces agricultural products, solely for distribution to the public by sale or donation. “Urban farm” shall include community-run gardens. “Urban farm” shall not include personal farms or residential lots for personal use.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the taxpayer's eligible expenses for establishing or improving an urban farm.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, and the taxpayer shall not be allowed to claim a tax credit under this section in excess of five thousand dollars for each urban farm. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed one hundred thousand dollars in any calendar year.

5. Tax credits issued under the provisions of this section shall not be transferred, sold, or assigned.

6. The Missouri agriculture and small business development authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall prevent a taxpayer from claiming a tax credit properly issued before the program was sunset in a tax year after the program is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Crawford offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 948, Page 15, Section 135.775, Line 87, by inserting after all of said line the following:

“137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100.

4. (1) As used in this subsection, the following terms mean:

(a) “Eligible expenses”, expenses incurred in this state to manufacture, maintain, or improve a freight line company’s qualified rolling stock;

(b) “Qualified rolling stock”, any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.

(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall, subject to appropriation, be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company’s liability for the tax levied under this section for the tax year for which the credit is claimed.

(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.

(4) Subject to appropriation, the state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this subsection.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under **subsection 4 of** this section shall expire on August 28, [2020] **2026**; and

(2) **Subsection 4 of** this section shall terminate on September 1, [2021] **2027**.”; and

Further amend the title and enacting clause accordingly.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins moved that **SS** for **SCS** for **HB 948**, as amended, be adopted, which motion prevailed.

Senator Hoskins moved that **SS** for **SCS** for **HB 948**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HB 948**, as amended to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 1358**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 258**.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, as amended.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 258, Page 1, In the Title, Lines 2-3, by deleting the words “classification of Missouri National Guard members” and inserting in lieu thereof the words “military affairs”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Substitute for Senate Bill No. 258, Page 9, Lines 25-31, by deleting all of said lines and inserting in lieu thereof the following:

“Section 1. 1. There is hereby created in the state treasury the “Missouri Medal of Honor Recipients Fund”. The fund shall consist of moneys donated pursuant to sections 301.020, 302.171, and 143.1032. All monies shall be received by the department of revenue and either upon request or, at a minimum, on a monthly basis be transferred to the department of transportation. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding. Moneys in the fund shall be used to pay any renewal fee for a memorial bridge or memorial highway signs for Missouri Medal of Honor recipients, and for the maintenance and repair of all such signs whether originally paid for by private donations or by the department of transportation.

2. The department of revenue shall provide notification by way of memorandum, to the department of transportation informing the department of transportation of the payment transfer to the credit of the State Road fund, with the memorandum indicating the payment amount, payment

date, payment account number, and the names or names of the Missouri Medal of Honor recipient or recipients for which the payment is made.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 258, Page 1, Section 41.201, Line 6, by inserting after all of said section and line the following:

“41.676. The National Guard armory located in or nearest to Joplin shall be designated as the “Sergeant Robert Wayne Crow Jr. Memorial Armory”.

143.1032. 1. In each taxable year beginning on or after January 1, 2022, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the Missouri Medal of Honor fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the Missouri Medal of Honor fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the Missouri Medal of Honor fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the Missouri Medal of Honor fund as provided in subsection 2 of this section.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the Missouri Medal of Honor fund. The fund shall be administered by the director of revenue.

3. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the cost of collection, handling, and administration by the department of revenue during fiscal year 2021, to the Missouri Medal of Honor fund.

4. A contribution designated under this section shall only be deposited in the Missouri Medal of Honor fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the Missouri Medal of Honor fund shall be used by the department of transportation to pay for the costs of the Missouri Medal of Honor signs.

6. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

227.299. 1. Except as provided in subsection 7 of this section, an organization or person that seeks a bridge or highway designation on the state highway system to honor an event, place, organization, or person who has been deceased for more than two years shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the bridge or segment of highway for which designation is sought and the proposed name of the bridge or relevant portion of highway. The application shall include the name of at least one current member of the general assembly who will sponsor the bridge or highway designation. The application may contain written testimony for support of the bridge or highway designation;

(2) A list of at least one hundred signatures of individuals who support the naming of the bridge or highway; and

(3) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed signs. The fee shall not exceed the cost of constructing and maintaining each sign.

2. All moneys received by the department of transportation for the construction and maintenance of bridge or highway signs on the state highway system shall be deposited in the state treasury to the credit of the state road fund.

3. The documents and fees required under this section shall be submitted to the department of transportation no later than November first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during such legislative session.

4. The department of transportation shall give notice of any proposed bridge or highway designation on the state highway system in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website, and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

5. If the memorial highway designation requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

6. Two highway signs shall be erected for each bridge and highway designation on the state highway system processed under this section. When a named section of a highway crosses two or more county lines, consideration shall be given by the department of transportation to allow additional signage at the county lines or major intersections.

7. **(1) Highway or bridge designations on the state highway system honoring fallen law enforcement officers, members of the Armed Forces killed in the line of duty, Missouri recipients of the Medal of Honor, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state shall not be subject to the provisions of this section.**

(2) Notwithstanding any provision of law to the contrary, beginning August 28, 2021, for designations honoring Missouri Medal of Honor recipients, no fees shall be assessed and all costs associated with such designations shall be funded by the department of transportation.

8. No bridge or portion of a highway on the state highway system may be named or designated after more than one event, place, organization, or person. Each event, place, organization, or person shall only be eligible for one bridge or highway designation.

9. Any highway signs erected for any bridge or highway designation on the state highway system under the provisions of this section shall be erected and maintained for a twenty-year period. After such period,

the signs shall be subject to removal by the department of transportation and the bridge or highway may be designated to honor events, places, organizations, or persons other than the current designee. An existing highway or bridge designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

10. For persons honored with designations on the state highway system under this chapter after August 28, 2021, the department of transportation shall post a link on its website to biographical information of such persons.

11. The provisions of this section shall apply to bridge or highway designations sought after August 28, 2006.

227.450. The portion of U.S. Highway 60 from the intersection of State Route O to the intersection of [State Highway 5] **Leadhill Drive** in Wright County shall be designated the "Spc. Justin Blake Carter Memorial Highway [for Life]". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations.

227.463. The portion of Interstate 29 from its intersection of Interstate 70/U.S. State Highway 71/40 in Jackson County north to the bridge crossing over Nishnabotna River in Atchison County, except for those portions of Interstate 29 previously designated as of August 28, 2021, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.464. The portion of Interstate 55 from State Highway O in Pemiscot County to U.S. Highway 40 in St. Louis City, except for those portions of Interstate 55 previously designated as of August 28, 2021, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.465. The portion of Interstate 57 from the Missouri/Illinois state line in Mississippi County continuing south to U.S. State Highway 60/State Highway AA in Scott County shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.466. The portion of Interstate 64 from Interstate 70 from the city of Wentzville in St. Charles County continuing east to Interstate 55 at the Missouri/Illinois state line in St. Louis City, except for those portions of Interstate 64/US40/US61 previously designated as of August 28, 2021, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.467. Notwithstanding any provision of this chapter to the contrary, a highway's classification as a "Purple Heart Trail" shall not prevent a segment of such highway from being additionally designated as a memorial highway.

227.477. The portion of U.S. Business 71 from State Highway 76 West to State Highway EE in McDonald County shall be designated the "Army PFC Christopher Lee Marion Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.478. The portion of U.S. State Highway 160 from West BYP to County Road 115 in Greene County shall be designated the "Otis E Moore Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs

to be paid by private donations.

227.486. The portion of U.S. State Highway 60 from CRD Mockingbird Road continuing east to State Highway PP in Webster County shall be designated as the “Army SGT Timothy J Sutton Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.488. The bridge on U.S. State Highway 63 crossing over Business 63 in Adair County shall be designated the “U.S. Army SGT Brandon Maggart Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid for by private donations.

227.489. The bridge on U.S. Highway 63 crossing over the BSNF Railroad/Marceline Sub in La Plata in Macon County shall be designated as the “U.S. Army PFC Adam L Thomas Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid for by private donations.

227.490. The bridge on U.S. State Highway 63 crossing over Patterson Street in Adair County shall be designated as the “U.S. Army SFC Matthew C Lewellen Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid for by private donations.

227.495. The portion of U.S. State Highway 54 from State Highway E to State Highway D in Cole County shall be designated as the “U.S. Army Specialist Michael Campbell Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.496. The portion of State Highway T from .05 miles west of Laretto Ridge Drive to Decker Road in the town of Labadie in Franklin County shall be designated as “Medal of Honor PVT George Phillips Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by the department.

227.497. The portion of U.S. State Highway 63 from Spruce Street to McKay Street within the city of Macon in Macon County shall be designated as the “US Army Sergeant Hugh C Dunn Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.498. The portion of Interstate 64 from Winghaven Boulevard to Prospect Road within the city of Lake St. Louis in St. Charles County shall be designated as “US Navy SEAL Scotty Wirtz Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.777. The bridge on State Highway 17 crossing over the BSNF Railroad south of the city of Crocker in Pulaski County shall be designated as “US Navy FA Paul Akers Jr Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.780. The portion of State Highway 163 from Stadium Boulevard/State Highway 740 continuing south to Mick Deaver Drive in Boone County shall be designated as “PFC Dale Raymond Jackson Memorial Highway”. The department of transportation shall erect and maintain appropriate

signs designating such highway, with the costs to be paid by private donations.

227.781. The portion of State Highway 163 from Mick Deaver Drive to Old Route K in Boone County shall be designated as “Corporal Steven Lee Irvin Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.782. The portion of State Highway 163 from Old Route K to Green Meadows Drive in Boone County shall be designated as “CPL Daniel Joseph Heibel Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.783. The portion of State Highway 163 from Green Meadows Drive to Nifong in Boone County shall be designated as “LCPL Larry Harold Coleman Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.784. The bridge on U.S. State Highway 63 crossing over Beaver Creek in Phelps County shall be designated as “VFW Post 2025 Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.785. The bridge on State Highway 21 crossing over the Current River in Ripley County shall be designated as “Veterans Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.793. The portion of Interstate 44 from State Highway 744/N. MulRoy Road continuing east to RA IS 44 Strafford/Greene County Line in Greene County shall be designated the “Nathanael Greene Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant’s identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor

vehicle to which such information pertains, for a period of ten years after the receipt of such information. This section shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

9. An applicant for registration may make a donation of one dollar to the Missouri Medal of Honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri Medal of Honor recipients fund as established in Section 1 of this Act. Moneys in the Medal of Honor recipients fund shall be used solely for the purposes established in Section 1 of this Act, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2, **to promote a blindness education, screening and treatment program as**

prescribed in subsection 3, or the Missouri Medal of Honor recipients fund prescribed in subsection 4 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of his or her driver's license or identification card as prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol may be placed on the front of the license or identification card indicating the applicant's desire to be listed in the registry at the applicant's request at the time of his or her application for a driver's license or identification card, or the applicant may instead request an organ donor sticker from the department of health and senior services by application on the department of health and senior services' website. Upon receipt of an organ donor sticker sent by the department of health and senior services, the applicant shall place the sticker on the back of his or her driver's license or identification card to indicate that he or she has made an anatomical gift. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. An applicant for registration may make a donation of one dollar to the Missouri Medal of Honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri Medal of Honor recipients fund as established in Section 1 of this Act. Moneys in the Medal of Honor recipients fund shall be used solely for the purposes established in Section 1 of this Act, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

5. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

[5.] 6. All appeals of denials under this section shall be made as required by section 302.311.

[6.] 7. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036.

[7.] 8. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

[8.] 9. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

[9.] **10.** Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

[10.] **11.** Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.

Section 1. There is hereby created in the state treasury the "Missouri Medal of Honor Recipients Fund". The fund shall consist of moneys donated pursuant to sections 301.020, 302.171, and 143.1032 of this act. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding. Moneys in the fund shall be used to pay for memorial highway signs for Missouri Medal of Honor recipients, and for the maintenance and repair of all such signs, whether originally paid for by private donations or by the department of transportation."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 226**, as amended. Representatives: Christofanelli, Smith (163), Grier, Butz, Bland Manlove.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SS#2 for SB 26**, as amended. Representatives: Schroer, Hill, Taylor (139), Aldridge, Windham.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SS for SB 141**, as amended. Representatives: Black (137), Haffner, Rone, McCreery, Ellebracht.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences in section 67.1847 of **SS#2 for SCS for HCS for HB 271**,

as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 64**, entitled:

An Act to repeal sections 173.260, 190.001, 190.053, 190.060, 190.098, 190.100, 190.101, 190.103, 190.104, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.176, 190.180, 190.185, 190.190, 190.196, 190.200, 190.241, 190.243, 190.245, 190.248, 191.237, 191.677, 192.2520, 197.135, 208.227, 287.243, 334.036, 338.010, 338.710, 376.1575, 545.940, 575.155, 575.157, 579.040, and 579.076, RSMo, and to enact in lieu thereof fifty-eight new sections relating to health care, with penalty provisions and an emergency clause for certain sections.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 64, Page 42, Section 190.257, Line 43, by inserting after all of said section and line the following:

“190.800. 1. Each ground ambulance service, except for any ambulance service owned and operated by an entity owned and operated by the state of Missouri, including but not limited to any hospital owned or operated by the board of curators, as defined in chapter 172, or any department of the state, shall, in addition to all other fees and taxes now required or paid, pay an ambulance service reimbursement allowance tax for the privilege of engaging in the business of providing ambulance services in this state.

2. For the purpose of this section, the following terms shall mean:

(1) “Ambulance”, the same meaning as such term is defined in section 190.100;

(2) “Ambulance service”, the same meaning as such term is defined in section 190.100;

(3) “Engaging in the business of providing ambulance services in this state”, accepting payment for such services;

(4) “Gross receipts”, all amounts received by an ambulance service licensed under section 190.109 for its own account from the provision of all emergency services, as defined in section 190.100, to the public in the state of Missouri, but shall not include revenue from taxes collected under law, grants, subsidies received from governmental agencies, [or] the value of charity care, **or revenues received from supplemental reimbursement for ground emergency medical transportation under section 208.1030.**

190.839. Sections 190.800 to 190.839 shall expire on September 30, [2021] **2022**”; and

Further amend said bill, Page 51, Section 192.2520, Line 99, by inserting after all of said section and line the following:

“196.1170. 1. This section shall be known and may be cited as the “Kratom Consumer Protection Act”.

2. As used in this section, the following terms mean:

(1) “Dealer”, a person who sells, prepares, or maintains kratom products or advertises, represents, or holds oneself out as selling, preparing, or maintaining kratom products. Such person may include,

but not be limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home, or food or drink company;

(2) “Department”, the department of health and senior services;

(3) “Director”, the director of the department or the director’s designee;

(4) “Food”, a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption;

(5) “Kratom product”, a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa*.

3. The general assembly hereby occupies and preempts the entire field of regulating kratom products to the complete exclusion of any order, ordinance, or regulation of any political subdivision of this state. Any political subdivision’s existing or future orders, ordinances, or regulations relating to kratom products are hereby void.

4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is represented to be a kratom product shall disclose on the product label the factual basis upon which that representation is made.

(2) A dealer shall not prepare, distribute, sell, or expose for sale a food represented to be a kratom product that does not conform to the disclosure requirement under subdivision (1) of this subsection.

5. A dealer shall not prepare, distribute, sell, or expose for sale any of the following:

(1) A kratom product that is adulterated with a dangerous non-kratom substance. A kratom product shall be considered to be adulterated with a dangerous non-kratom substance if the kratom product is mixed or packed with a non-kratom substance and that substance affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer;

(2) A kratom product that is contaminated with a dangerous non-kratom substance. A kratom product shall be considered to be contaminated with a dangerous non-kratom substance if the kratom product contains a poisonous or otherwise deleterious non-kratom ingredient including, but not limited to, any substance listed in section 195.017;

(3) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the product;

(4) A kratom product containing any synthetic alkaloids, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the plant *Mitragyna speciosa*; or

(5) A kratom product that does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product.

6. A dealer shall not distribute, sell, or expose for sale a kratom product to an individual under eighteen years of age.

7. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the director may, after

notice and hearing, impose a fine on the dealer of no more than five hundred dollars for the first offense and no more than one thousand dollars for the second or subsequent offense.

(2) A dealer who violates subdivision (2) of subsection 4 of this section, subsection 5 of this section, or subsection 6 of this section is guilty of a class D misdemeanor.

(3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this section or subsection 5 of this section may, in addition to and distinct from any other remedy at law or in equity, bring a private cause of action in a court of competent jurisdiction for damages resulting from that violation including, but not limited to, economic, noneconomic, and consequential damages.

(4) A dealer does not violate subdivision (2) of subsection 4 of this section or subsection 5 of this section if a preponderance of the evidence shows that the dealer relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of food represented to be a kratom product.

8. The department shall promulgate rules to implement the provisions of this section including, but not limited to, the requirements for the format, size, and placement of the disclosure label required under subdivision (1) of subsection 4 of this section and for the information to be included in the disclosure label. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill and page, Section 197.135, Line 7, by deleting all of said line and inserting in lieu there of the following:

“age shall be referred, **and victims fourteen years of age or older but less than eighteen years of age may be**”; and

Further amend said bill and section , Page 52, Line 47, by inserting after all of said section the following:

“198.439. Sections 198.401 to 198.436 shall expire on September 30, [2021] **2022**.”

208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children’s diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term “temporary leave of absence” shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians’ services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Subject to appropriation, up to twenty visits per year for services limited to examinations, diagnoses, adjustments, and manipulations and treatments of malpositioned articulations and structures of the body provided by licensed chiropractic physicians practicing within their scope of practice. Nothing in this subdivision shall be interpreted to otherwise expand MO HealthNet services;

(8) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(9) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance

with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(11) Home health care services;

(12) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include:

(a) Abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term; **and**

(b) **Subject to the receipt of any necessary federal waivers, any drug or device approved by the federal Food and Drug Administration intended to cause the destruction of an unborn child, as defined in section 188.015;**

(13) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(14) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(15) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance

is made;

(16) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(18) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(19) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(20) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(21) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(24) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(25) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as described in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section

and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (15) and (16) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for

women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.”; and

Further amend said bill, Page 56, Section 208.227, Line 100, by inserting after all of said section the following:

“208.437. 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of commerce and insurance. The director of the department of commerce and insurance may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, [2021] **2022**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2021] **2022**.”; and

Further amend said bill, Pages 61-63, Section 334.036, Lines 1-75, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 63, Section 338.010, Line 13, by inserting after the word “**vaccines**” the words “**by physician protocol**”; and

Further amend said bill and section, Page 66, Line 110, by inserting after all of said section the following:

“338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2021] **2022**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2021] **2022**.”; and

Further amend said bill, Page 69, Section 574.203, Line 2, by inserting after the word “**disability**” the words “, **mental disorder, or mental illness**”; and

Further amend said bill, Page 72, Section 579.076, Line 12, by inserting after all of said section the following:

“633.401. 1. For purposes of this section, the following terms mean:

(1) “Engaging in the business of providing health benefit services”, accepting payment for health benefit services;

(2) “Intermediate care facility for the intellectually disabled”, a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart I;

(3) “Net operating revenues from providing services of intermediate care facilities for the intellectually disabled” shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) “Services of intermediate care facilities for the intellectually disabled” has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility’s assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. Section 1396, et seq., as amended.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment

payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the “Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund”, which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider’s delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider’s appeal of the director’s final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit

status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, [2021] **2022.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 403**, entitled:

An Act to repeal sections 192.2520, 197.135, and 210.542, RSMo, and to enact in lieu thereof fourteen new sections relating to health care, with penalty provisions and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment Nos. 8, 9, 10, 11, 12, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 2 to House Amendment No. 14, House Amendment No. 3 to House Amendment No. 14, House Amendment No. 14, as amended, House Amendment Nos. 15 and 16.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 4, Section 192.028, Lines 4-5, by deleting the words “**a disease or diseases**” and inserting in lieu thereof the words “**the Covid-19 disease**”; and

Further amend said bill and section, Page 5, Lines 21-23, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

“332.071. A person or other entity “practices dentistry” within the meaning of this chapter who:

(1) Undertakes to do or perform dental work or dental services or dental operations or oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary or fee or other reward, paid

directly or indirectly to the person or to any other person or entity;

(2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions of the oral regions;

(3) Attempts to or does replace or restore a part or portion of a human tooth;

(4) Attempts to or does extract human teeth or attempts to or does correct malformations of human teeth or jaws;

(5) Attempts to or does adjust an appliance or appliances for use in or used in connection with malposed teeth in the human mouth;

(6) Interprets or professes to interpret or read dental radiographs;

(7) Administers an anesthetic in connection with dental services or dental operations or dental surgery;

(8) Undertakes to or does remove hard and soft deposits from or polishes natural and restored surfaces of teeth;

(9) Uses or permits to be used for the person's benefit or for the benefit of any other person or other entity the following titles or words in connection with the person's name: "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or descriptive matter which directly or indirectly indicate or imply that the person is willing or able to perform any type of dental service for any person or persons, or uses or permits the use of for the person's benefit or for the benefit of any other person or other entity any card, directory, poster, sign or any other means by which the person indicates or implies or represents that the person is willing or able to perform any type of dental services or operation for any person;

(10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an office or establishment of any kind in which dental services or dental operations of any kind are performed for any purpose; but this section shall not be construed to prevent owners or lessees of real estate from lawfully leasing premises to those who are qualified to practice dentistry within the meaning of this chapter;

(11) Controls, influences, attempts to control or influence, or otherwise interferes with the dentist's independent professional judgment regarding the diagnosis or treatment of a dental disease, disorder, or physical condition except that any opinion rendered by any health care professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338 regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be construed to control, influence, attempt to control or influence or otherwise interfere with a dentist's independent professional judgment;

(12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except when one, not a registered and licensed dentist, does so pursuant to a written uniform laboratory work order, in the form prescribed by the board, of a dentist registered and currently licensed in Missouri and which the substitute in this subdivision described is constructed upon or by use of casts or models made from an impression furnished by a dentist registered and currently licensed in Missouri;

(13) Attempts to or does place any substitute described in subdivision (12) of this section in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute to any person other than

the dentist upon whose order the work in producing the substitute was performed;

(14) Advertises, solicits, or offers to or does sell or deliver any substitute described in subdivision (12) of this section or offers to or does sell the person's services in constructing, reproducing, supplying or repairing the substitute to any person other than a registered and licensed dentist in Missouri;

(15) Undertakes to do or perform any physical evaluation of a patient in the person's office or in a hospital, clinic, or other medical or dental facility prior to or incident to the performance of any dental services, dental operations, or dental surgery;

(16) Reviews examination findings, x-rays, or other patient data to make judgments or decisions about the dental care rendered to a patient in this state;

(17) Prescribes and administers vaccines for diseases related to care within the practice of dentistry; or

(18) Prescribes and administers vaccines in accordance with section 332.368 when deployed under section 44.045 to provide care as necessitated by an emergency.

332.368. 1. A dentist may:

(1) Prescribe and administer vaccines to a person with whom the dentist has established a patient relationship; and

(2) Prescribe and administer vaccines to any person when the dentist is deployed under section 44.045 to provide care as necessitated by an emergency.

2. A dentist shall not be required to prescribe or administer vaccines.

3. Before prescribing or administering any vaccine under this section, a dentist shall complete a training course recognized by the board under subsection 4 of this section and obtain a certificate of successful completion from the agency or organization that offered the course. A dentist shall produce the certificate upon request of the board.

4. The board shall recognize for purposes of this section any training course that:

(1) Includes training on appropriate vaccine storage and proper vaccine administration;

(2) Addresses contraindications and adverse reactions to vaccines; and

(3) Is offered by the Centers for Disease Control and Prevention, the American Dental Association or its successor organization, or any other similar federal or state agency or professional organization deemed qualified by the board.

5. A dentist who administers a vaccine under this section shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the dentist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the dentist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

(1) The identity of the patient;

- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

6. Prior to administering a vaccine under this section, a dentist shall review the patient's vaccination history in the ShowMeVax system.

7. A dentist shall not administer a vaccine under this section to a child under seven years of age or under the minimum age recommended by the Centers for Disease Control and Prevention.

8. A dentist who prescribes or administers a vaccine under this section shall comply with any applicable patient of care record-keeping requirements.

9. A dentist shall not delegate the administration of a vaccine under this section.

10. The board shall promulgate rules for the purpose of recognizing entities qualified to offer the training course required under this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 1, Section 9.275, Line 4, by inserting after all of said line and section the following:

“9.287. The month of May shall be known and designated as “Ehlers-Danlos Syndrome Awareness Month”. Ehlers-Danlos Syndrome is a rare disorder affecting connective tissues that results in joint hypermobility, skin hyperextensibility, chronic pain, fatigue, and, in some cases, spontaneous rupture of blood vessels and internal organs. The citizens of this state are encouraged to observe the month with appropriate events and activities to raise awareness of Ehlers-Danlos Syndrome.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

“334.506. 1. As used in this section, the following terms mean:

(1) “Approved health care provider” [means] , a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a

podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

(2) “Consult” or “consultation”, communication by telephone, by fax, in writing, or in person with the patient’s personally approved licensed health care provider or a licensed health care provider of the patient’s designation.

2. A physical therapist [shall not] **may evaluate and** initiate treatment [for a new injury or illness] **on a patient** without a prescription **or referral** from an approved health care provider, **provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.**

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs [for asymptomatic persons], or provide screening or consultative services within the scope of physical therapy practice without [the] a prescription [and direction of] **or referral from** an approved health care provider.

4. [A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:]

(1) [Contact the patient’s current approved health care provider within seven days of initiating physical therapy services under this subsection;] **A physical therapist shall refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy.**

(2) [Not change an existing physical therapy referral available to the physical therapist without approval of the patient’s current approved health care provider;] **A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or twenty-one business days, whichever occurs first.**

(3) [Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;

(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;

(5) Notify the patient’s current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.] **(a) A physical therapist shall consult with an approved health care provider if, after ten visits or twenty-one business days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist’s evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.**

(b) The consultation with the approved health care provider shall include information concerning:

- a. The patient's condition for which physical therapy services or treatments were provided;**
- b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;**
- c. The physical therapy services or treatment provided before the date of the consultation;**
- d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;**
- e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and**
- f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.**

(c) Continued physical therapy services or treatment following the consultation with an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment every thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. [Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.] Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical

therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or

medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or

allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician

assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] **evaluating or treating a patient in a manner inconsistent with section 334.506;**

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the

physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license

for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 11, Section 574.204, Line 9, by inserting after all of said section and line the following:

“577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined in section 301.010, or the highway's right-of-way;

(d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or

(e) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

(7) A class A felony if the defendant has previously been found guilty of an offense under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent violation of such paragraphs.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation. **If a person is found guilty of a second or subsequent offense of driving while intoxicated within a four-year time period, the court shall order such person to undergo a risk and needs assessment as defined in section 478.001 to determine if the person will benefit from a community-based substance use disorder treatment program as defined in section 478.001. Upon considering the result of the risk and needs assessment, the court may refer the person to a community-based substance use disorder program that offers one or more forms of medications that are approved for the treatment of alcohol or drug dependence by the United States Food and Drug Administration.**

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

“334.530. 1. A candidate for license to practice as a physical therapist shall furnish evidence of such person’s educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board **or eligibility to graduate from such a program within ninety days**. A candidate who presents satisfactory evidence of the person’s graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. **Applicants shall meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board approved examination.** Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section **and meets the requirements established to qualify for examination**. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licenses to practice physical therapy shall test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. No person who has failed on six or more occasions to achieve a passing score on the examination required by this section shall be eligible for licensure by examination under this section.

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall furnish evidence of the person’s educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education **or eligibility to graduate from such a program within ninety days**.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person’s fitness to engage in such practice. **Applicants must meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board approved examination.** Applications for examination shall be on a form furnished by the board and shall include

evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section **and meets the requirements established to qualify for examination**. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. No person who has failed on six or more occasions to achieve a passing score on the examination required by this section shall be eligible for licensure by examination under this section.

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in this state.

[6.] 7. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.

[7.] 8. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 2, Line 34, by inserting after all of said line the following:

“Further amend said bill, Page 10, Section 221.065, Line 12, by inserting after all of said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope

of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, **who has been granted a certificate of controlled substance prescriptive authority under section 335.019**, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a)] engage in collaborative practice consistent with each professional's skill, training, education, and competence;

[(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of

registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;]

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse; **and**

(9) [[A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10)]] The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. (1) The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to [specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including]delegating authority to prescribe controlled substances.

(2). Any previously adopted rules regulating the use of collaborative practice arrangements that are not limited to delegating authority to prescribe controlled substances shall be null and void from the effective date of this subdivision.

(3) Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services

as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his **or her** medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. [It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating

physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10.] No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

[11.] **10.** No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

[12.] **11.** No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 8, Section 192.2520, Line 99, by inserting after all of said line and section the following:

“196.1170. 1. This section shall be known and may be cited as the “Kratom Consumer Protection Act”.

2. As used in this section, the following terms mean:

(1) **“Dealer”, a person who sells, prepares, or maintains kratom products or advertises, represents, or holds oneself out as selling, preparing, or maintaining kratom products. Such person may include, but not be limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home, or food or drink company;**

(2) **“Department”, the department of health and senior services;**

(3) **“Director”, the director of the department or the director's designee;**

(4) **“Food”, a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption;**

(5) **“Kratom product”, a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa*.**

3. The general assembly hereby occupies and preempts the entire field of regulating kratom products to the complete exclusion of any order, ordinance, or regulation of any political subdivision of this state. Any political subdivision's existing or future orders, ordinances, or regulations relating

to kratom products are hereby void.

4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is represented to be a kratom product shall disclose on the product label the factual basis upon which that representation is made.

(2) A dealer shall not prepare, distribute, sell, or expose for sale a food represented to be a kratom product that does not conform to the disclosure requirement under subdivision (1) of this subsection.

5. A dealer shall not prepare, distribute, sell, or expose for sale any of the following:

(1) A kratom product that is adulterated with a dangerous non-kratom substance. A kratom product shall be considered to be adulterated with a dangerous non-kratom substance if the kratom product is mixed or packed with a non-kratom substance and that substance affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer;

(2) A kratom product that is contaminated with a dangerous non-kratom substance. A kratom product shall be considered to be contaminated with a dangerous non-kratom substance if the kratom product contains a poisonous or otherwise deleterious non-kratom ingredient including, but not limited to, any substance listed in section 195.017;

(3) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the product;

(4) A kratom product containing any synthetic alkaloids, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the plant *Mitragyna speciosa*; or

(5) A kratom product that does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product.

6. A dealer shall not distribute, sell, or expose for sale a kratom product to an individual under eighteen years of age.

7. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the director may, after notice and hearing, impose a fine on the dealer of no more than five hundred dollars for the first offense and no more than one thousand dollars for the second or subsequent offense.

(2) A dealer who violates subdivision (2) of subsection 4 of this section, subsection 5 of this section, or subsection 6 of this section is guilty of a class D misdemeanor.

(3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this section or subsection 5 of this section may, in addition to and distinct from any other remedy at law or in equity, bring a private cause of action in a court of competent jurisdiction for damages resulting from that violation including, but not limited to, economic, noneconomic, and consequential damages.

(4) A dealer does not violate subdivision (2) of subsection 4 of this section or subsection 5 of this section if a preponderance of the evidence shows that the dealer relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of food represented to be a kratom product.

8. The department shall promulgate rules to implement the provisions of this section including, but not limited to, the requirements for the format, size, and placement of the disclosure label required under subdivision (1) of subsection 4 of this section and for the information to be included in the disclosure label. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

“376.1551. 1. As used in this section, the following terms mean:

- (1) “Health benefit plan”, the same meaning given to the term in section 376.1350;**
- (2) “Health carrier”, the same meaning given to the term in section 376.1350;**
- (3) “Mental health condition”, the same meaning given to the term in section 376.1550.**

2. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of twelve months’ or less duration, a health benefit plan in the small group market that was issued before January 1, 2014, or a health benefit plan in the individual market that was purchased before January 1, 2014, or any other supplemental policy as determined by the director of the department of commerce and insurance.

4. The director may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 1, Section 9.235, Line 3, by inserting after all of said section and line the following:

“9.236. The third full week in September of each year shall be known and designated as “Sickle Cell Awareness Week”. Sickle cell disease is a genetic disease in which a person’s body produces abnormally shaped red blood cells that resemble a crescent and that do not last as long as normal round red blood cells, which leads to anemia. It is recommended to the people of the state that the week be appropriately observed through activities that will increase awareness of sickle cell disease and efforts to improve treatment options for patients.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 2, Section 9.309, Line 3, by inserting after all of said line and section the following:

“135.096. 1. In order to promote personal financial responsibility for long-term health care in this state, [for all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual’s Missouri taxable income an amount equal to fifty percent of all nonreimbursed amounts paid by such individual for qualified long-term care insurance premiums to the extent such amounts are not included the individual’s itemized deductions.] for all taxable years beginning after December 31, [2006] 2020, a resident individual may deduct from each individual’s Missouri taxable income an amount equal to one hundred percent of all nonreimbursed amounts paid by such individuals for qualified long-term care insurance premiums to the extent such amounts are not included in the individual’s itemized deductions. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual’s payment of all qualified long-term care insurance premiums. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section.

2. For purposes of this section, “qualified long-term care insurance” means any insurance policy which meets or exceeds the provisions of sections 376.1100 to 376.1118 and the rules and regulations promulgated pursuant to such sections for long-term care insurance, or any insurance policy considered an asset or resource for purposes of eligibility for long-term care benefits under MO HealthNet.

3. Notwithstanding any other provision of law to the contrary, two or more insurers issuing a qualified long-term care insurance policy shall not act in concert with each other and with others with respect to any matters pertaining to the making of rates or rating systems.

135.098. 1. As used in this section, the following terms shall mean:

(1) “Department”, the Missouri department of revenue;

(2) “Qualified long-term care insurance”, any insurance policy which meets or exceeds the provisions of sections 376.1100 to 376.1118 and the rules and regulations promulgated pursuant to such sections for long-term care insurance, or any insurance policy considered an asset or resource for purposes of eligibility for long-term care benefits under MO HealthNet;

(3) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding

tax imposed under sections 143.191 to 143.265;

(3) “Taxpayer”, an individual subject to the state income tax imposed by the provisions of chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2022, in addition to the deduction allowed pursuant to section 135.096, a taxpayer shall be allowed a tax credit in an amount equal to one hundred percent of up to one thousand dollars of nonreimbursed amounts paid by such individual for qualified long-term care insurance premiums during the tax year for which the tax credit is claimed, and fifty percent of any nonreimbursed amounts in excess of one thousand dollars paid by such individual for qualified long-term care insurance premiums during the tax year for which the tax credit is claimed. If the amount of the tax credit exceeds the taxpayer’s state tax liability, the difference shall be refundable. Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned.

3. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill, Page 10, Section 221.065, Line 12, by inserting after all of said line and section the following:

“376.1109. 1. The director may adopt regulations that include standards for full and fair disclosure setting forth the manner, content and required disclosures for the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions and definitions of terms. Regulations adopted pursuant to sections 376.1100 to 376.1130 shall be in accordance with the provisions of chapter 536.

2. No long-term care insurance policy may:

(1) Be cancelled, nonrenewed or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder; or

(2) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder; or

(3) Provide coverage for skilled nursing care only or provide significantly more coverage for skilled care

in a facility than for lower levels of care.

3. No long-term care insurance policy or certificate other than a policy or certificate thereunder issued to a group as defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100:

(1) Shall use a definition of preexisting condition which is more restrictive than the following: “Preexisting condition” means a condition for which medical advice or treatment was recommended by, or received from, a provider of health care services, within six months preceding the effective date of coverage of an insured person;

(2) May exclude coverage for a loss or confinement which is the result of a preexisting condition unless such loss or confinement begins within six months following the effective date of coverage of an insured person.

4. The director may extend the limitation periods set forth in subdivisions (1) and (2) of subsection 3 of this section as to specific age group categories in specific policy forms upon findings that the extension is in the best interest of the public.

5. The definition of preexisting condition provided in subsection 3 of this section does not prohibit an insurer from using an application form designed to elicit the complete health history of an applicant, and, on the basis of the answers on that application, from underwriting in accordance with that insurer’s established underwriting standards. Unless otherwise provided in the policy or certificate, a preexisting condition, regardless of whether it is disclosed on the application, need not be covered until the waiting period described in subdivision (2) of subsection 3 of this section expires. No long-term care insurance policy or certificate may exclude or use waivers or riders of any kind to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions beyond the waiting period described in subdivision (2) of subsection 3 of this section.

6. No long-term care insurance policy may be delivered or issued for delivery in this state if such policy:

(1) Conditions eligibility for any benefits on a prior hospitalization requirement; or

(2) Conditions eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care; or

(3) Conditions eligibility for any benefits other than waiver of premium, post-confinement, post-acute care or recuperative benefits on a prior institutionalization requirement.

7. A long-term care insurance policy containing post-confinement, post-acute care or recuperative benefits shall clearly label in a separate paragraph of the policy or certificate entitled “Limitations or Conditions on Eligibility for Benefits” such limitations or conditions, including any required number of days of confinement.

8. A long-term care insurance policy or rider which conditions eligibility of noninstitutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than thirty days.

9. No long-term care insurance policy or rider which provides benefits only following institutionalization shall condition such benefits upon admission to a facility for the same or related conditions within a period of less than thirty days after discharge from the institution.

10. The director may adopt regulations establishing loss ratio standards for long-term care insurance policies provided that a specific reference to long-term care insurance policies is contained in the regulation.

11. Long-term care insurance applicants shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, other than a certificate issued pursuant to a policy issued to a group defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100, the applicant is not satisfied for any reason. This subsection shall also apply to denials of applications and any refund must be made within thirty days of the return or denial.

12. (1) If a long-term care insurance policy issued, delivered, or renewed in this state on or after January 1, 2011, is cancelled for any reason, the insurer shall refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policyholder within twenty days from the date the insurer receives notice of the cancellation. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall be entitled to a refund of the unearned premium if the policy is cancelled for any reason.

(2) The policyholder may notify the insurer of cancellation of such long-term care insurance policy at any time by sending written or electronic notification.

13. No long-term care insurance policy shall increase premium rates, measured annually, in excess of the amount that is actuarially justified based on credible experience, and on the rate basis in effect in this state without recognition of rates that may be in effect in other states.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

“376.1575. As used in sections 376.1575 to 376.1580, the following terms shall mean:

(1) “Completed application”, a practitioner’s application to a health carrier that seeks the health carrier’s authorization for the practitioner to provide patient care services as a member of the health carrier’s network and does not omit any information which is clearly required by the application form and the accompanying instructions;

(2) “Credentialing”, a health carrier’s process of assessing and validating the qualifications of a practitioner to provide patient care services and act as a member of the health carrier’s provider network;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350. **The term “health carrier” shall also include any entity described in subdivision (4) of section 354.700;**

(4) “Practitioner”:

(a) A physician or physician assistant eligible to provide treatment services under chapter 334;

(b) A pharmacist eligible to provide services under chapter 338;

(c) A dentist eligible to provide services under chapter 332;

- (d) A chiropractor eligible to provide services under chapter 331;
- (e) An optometrist eligible to provide services under chapter 336;
- (f) A podiatrist eligible to provide services under chapter 330;
- (g) A psychologist or licensed clinical social worker eligible to provide services under chapter 337; or
- (h) An advanced practice nurse eligible to provide services under chapter 335.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 9, Section 197.135, Line 47, by inserting after all of said line the following:

“208.662. 1. There is hereby established within the department of social services the “Show-Me Healthy Babies Program” as a separate children’s health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children’s Health Insurance Program, as amended, and 42 CFR 457.1.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397II.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through [the last day of the month that includes the sixtieth day] **one year** after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397II.

7. The department shall provide coverage for an unborn child enrolled in the show-me healthy babies program in the same manner in which the department provides coverage for the children's health insurance program (CHIP) in the county of the primary residence of the mother.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after August 28, 2014, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, preterm births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate

imposed by the federal government on the state.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 3, Line 39, by inserting after said line the following:

“Further amend said bill, Page 11, Section 574.204, Line 9, by inserting after said section and line the following:

“Section 1. (1) The month of May of each year is hereby designated as “Lupus Awareness Month” in Missouri.

(2) The tenth of May of each year is hereby designated as “Lupus Awareness Day” in Missouri.

(3) Citizens of the state are encouraged to participate in activities that raise awareness about the diagnosis and treatment of lupus and its impact on lives of individuals living with lupus.”; and”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 1, Line 1, by inserting after all of said line the following:

“Page 4, Section 135.690, Line 97, by inserting after all of said section and line the following:

“173.260. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [[190.245] **190.243** and the corresponding regulations applicable to such programs;

(3) “Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(4) “Board”, the coordinating board for higher education;

(5) “Eligible child”, the natural, adopted or stepchild of a public safety officer or employee, as defined

in this section, who is less than twenty-four years of age and who is a dependent of a public safety officer or employee or was a dependent at the time of death or permanent and total disability of a public safety officer or employee;

(6) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and by rules adopted by the department of health and senior services under sections 190.001 to [190.245] **190.243**;

(7) “Employee”, any full-time employee of the department of transportation engaged in the construction or maintenance of the state’s highways, roads and bridges;

(8) “Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(9) “Grant”, the public safety officer or employee survivor grant as established by this section;

(10) “Institution of postsecondary education”, any approved public or private institution as defined in section 173.205;

(11) “Line of duty”, any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;

(12) “Public safety officer”, any firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed or permanently and totally disabled in the line of duty;

(13) “Permanent and total disability”, a disability which renders a person unable to engage in any gainful work;

(14) “Spouse”, the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer;

(15) “Tuition”, any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for either of the following to attend an institution of postsecondary education:

(1) An eligible child of a public safety officer or employee killed or permanently and totally disabled in the line of duty; or

(2) A spouse of a public safety officer killed or permanently and totally disabled in the line of duty.

3. An eligible child or spouse may receive a grant under this section only so long as the child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall

a child or spouse receive a grant beyond the completion of the first baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred percent of tuition when combined with similar funds made available to such child or spouse.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of performance in order for a child or spouse to remain eligible to receive a grant under this program;

(3) Make available on behalf of an eligible child or spouse an amount toward the child's or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the provisions of this section;

(4) Provide the forms and determine the procedures necessary for an eligible child or spouse to apply for and receive a grant under this program.

5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child or spouse is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child or spouse who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at anytime withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child or spouse is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child or spouse.

8. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

9. A public safety officer who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such public safety officer

or employee is no longer permanently and totally disabled.

190.001. Sections 190.001 to [190.245] **190.243** shall be known and may be cited as the “Comprehensive Emergency Medical Services Systems Act”.

190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;

(3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;

(4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise provided by the Constitution of the state of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the objects of the district or the proper administration, management, protection or control of its property;

(7) To maintain the ambulance service for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care; to exclude from the use of the ambulance service all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the ambulance service to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;

(8) To provide for health, accident, disability and pension benefits for the salaried members of its organized ambulance district and such other benefits for the members’ spouses and minor children, through either, or both, a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within the level of available revenue of the pension program and other available revenue of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the ambulance district elected by the contributing members. The board of trustees shall not be the same as the board of directors;

(9) To purchase insurance indemnifying the district and its employees, officers, volunteers and directors against liability in rendering services incidental to the furnishing of ambulance services. Purchase of insurance pursuant to this section is not intended to waive sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

(10) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, for the volunteer members of any organized ambulance district and such other benefits for their spouses and eligible unemancipated children, either through a contributory or noncontributory plan, or both. For purposes of this section, “eligible unemancipated child” means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district.

2. The use of any ambulance service of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted pursuant to any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance.

4. Nothing in this section or in other provisions of sections 190.001 to [190.245] **190.243** shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the ambulance service within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

5. After August 28, 1998, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing within a thirty-day period and shall make a finding that the proposed contract to manage and operate the ambulance service will:

(1) Provide benefits to the public health that outweigh the associated costs;

(2) Maintain or enhance public access to ambulance service;

(3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.

6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section and after a sixty-day period, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least thirty days.

(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out.

7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding basic life support ambulances shall require such ambulances to be equipped with an automated external defibrillator and be staffed by at least one individual trained in the use of an automated external defibrillator.

8. The ambulance district may adopt procedures for conducting fingerprint background checks on current and prospective employees, contractors, and volunteers. The ambulance district may submit applicant fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history. The fingerprints shall be used to search the Missouri criminal records repository and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees shall be as set forth in section 43.530.

190.098. 1. In order for a person to be eligible for certification by the department as a community paramedic, an individual shall:

(1) Be currently certified as a paramedic;

(2) Successfully complete or have successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and

(3) Complete an application form approved by the department.

2. A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse through a collaborative practice arrangement with a physician or a physician assistant through a collaborative practice arrangement with a physician and there is no duplication of services to the patient from another provider.

3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service.

4. A community paramedic is subject to the provisions of sections 190.001 to [190.245] **190.243** and rules promulgated under sections 190.001 to [190.245] **190.243**.

5. No person shall hold himself or herself out as a community paramedic or provide the services of a community paramedic unless such person is certified by the department.

6. The medical director shall approve the implementation of the community paramedic program.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

190.100. As used in sections 190.001 to [190.245] **190.257**, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to [190.245] **190.243** and rules and

regulations adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(2) “Advanced life support (ALS)”, an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(3) “Ambulance”, any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) “Ambulance service”, a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to [190.245] **190.243**, and the rules promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**;

(5) “Ambulance service area”, a specific geographic area in which an ambulance service has been authorized to operate;

(6) “Basic life support (BLS)”, a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(7) “Council”, the state advisory council on emergency medical services;

(8) “Department”, the department of health and senior services, state of Missouri;

(9) “Director”, the director of the department of health and senior services or the director’s duly authorized representative;

(10) “Dispatch agency”, any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) “Emergency”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person’s health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) “Emergency medical dispatcher”, a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(13) “Emergency medical responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to [190.245] **190.243** and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) “Emergency medical response agency”, any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) “Emergency medical services for children (EMS-C) system”, the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) “Emergency medical services (EMS) system”, the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243**, and by rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(18) “Emergency medical technician-basic” or “EMT-B”, a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(19) “Emergency medical technician-community paramedic”, “community paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

(20) “Emergency medical technician-paramedic” or “EMT-P”, a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(21) “Emergency services”, health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(22) “Health care facility”, a hospital, nursing home, physician’s office or other fixed location at which medical and health care services are performed;

(23) “Hospital”, an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) “Medical control”, supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

(25) “Medical direction”, medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) “Medical director”, a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to [190.245] **190.243**;

(27) “Memorandum of understanding”, an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) “Patient”, an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) “Person”, as used in these definitions and elsewhere in sections 190.001 to [190.245] **190.243**, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) “Physician”, a person licensed as a physician pursuant to chapter 334;

(31) “Political subdivision”, any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) “Professional organization”, any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B’s, nurses, EMT-P’s, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) “Proof of financial responsibility”, proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) “Protocol”, a predetermined, written medical care guideline, which may include standing orders;

(35) “Regional EMS advisory committee”, a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) “Specialty care transportation”, the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the

additional training required of the emergency medical technician-paramedic;

(37) “Stabilize”, with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual’s medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) “State advisory council on emergency medical services”, a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) “State EMS medical directors advisory committee”, a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) “STEMI” or “ST-elevation myocardial infarction”, a type of heart attack in which impaired blood flow to the patient’s heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) “STEMI care”, includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) “STEMI center”, a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) “Stroke”, a condition of impaired blood flow to a patient’s brain as defined by the department;

(44) “Stroke care”, includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) “Stroke center”, a hospital that is currently designated as such by the department;

(46) **“Time-critical diagnosis”, trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;**

(47) **“Time-critical diagnosis advisory committee”, a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;**

(48) “Trauma”, an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(47)] (49) “Trauma care” includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem **trauma** injuries that potentially require immediate medical or surgical intervention or treatment;

[(48)] (50) “Trauma center”, a hospital that is currently designated as such by the department.

190.101. 1. There is hereby established a “State Advisory Council on Emergency Medical Services” which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and

shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The state EMS medical director, as described under section 190.103, shall serve as an ex officio member of the council.

5. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

[5.] 6. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

[6.] 7. (1) There is hereby established a standing subcommittee of the council to monitor the implementation of the recognition of the EMS personnel licensure interstate compact under sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by the chair of the council, to include at least two members as recommended by the Missouri state council of firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit reports and recommendations to the council, the department of health and senior services, the general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.

(2) The subcommittee shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of section 190.930. The hearing request shall include the request that the hearing be presented live through the internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to the council and emergency medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

(3) The department of health and senior services shall not establish or increase fees for Missouri emergency medical services personnel licensure in accordance with this chapter for the purpose of creating the funds necessary for payment of an annual assessment under subdivision (3) of subsection 5 of section 190.924.

8. The council shall consult with the time-critical diagnosis advisory committee, as described under

section 190.257, regarding time-critical diagnosis.

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to

AEMTs, EMT-Bs, EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, EMT-Bs, EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.104. 1. The department is authorized to establish a program to improve the quality of emergency care for pediatric patients throughout the state and to implement a comprehensive pediatric emergency medical services system in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**.

2. The department is authorized to receive contributions, grants, donations or funds from any private entity to be expended for the program authorized pursuant to this section.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to [190.245] **190.243**.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse, a duly licensed physician, or a duly licensed physician assistant be required to hold an emergency medical technician's license. When a physician assistant is in attendance with a patient on an ambulance,

the physician assistant shall be exempt from any mileage limitations in any collaborative practice arrangement prescribed under law. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to [190.245] **190.243** shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to [190.245] **190.243** shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to [190.245] **190.243** shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to [190.245] **190.243**.

190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to [190.245] **190.243**, and in accordance with rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;
- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;

(10) Quality improvement committees; and

(11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to [190.245] **190.243**.

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to [190.245] **190.243** and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

(1) Will provide a benefit to public health that outweighs the associated costs;

(2) Will maintain or enhance the public's access to ambulance services;

(3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;

(4) Has demonstrated the appropriate expertise in the operation of ambulance services; and

(5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**, and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

(1) Vehicle design, specification, operation and maintenance standards;

(2) Equipment requirements;

(3) Staffing requirements;

(4) Five-year license renewal;

(5) Records and forms;

(6) Medical control plans;

(7) Medical director qualifications;

(8) Standards for medical communications;

(9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;

(10) Quality improvement committees; and

(11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001 to [190.245] **190.243**, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage or proof of financial responsibility with adequate reserves maintained for each and every ambulance owned or operated by or for the applicant or

licensee to provide for the payment of damages in an amount as prescribed in regulation:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him or her by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy or proof of financial responsibility shall be submitted by all licensees required to provide such insurance pursuant to sections 190.001 to [190.245] **190.243**. The insurance policy, or proof of the existence of financial responsibility, shall be submitted to the director, in such form as the director may specify, for the director's approval prior to the issuance of each ambulance service license.

3. Every insurance policy or proof of financial responsibility document required by the provisions of this section shall contain proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured licensee or entity will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of such policy, recovered against any person other than the owner, the owner's agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured licensee or entity as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the director and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulance service covered by such policy unless covered by another insurance policy in compliance with sections 190.001 to [190.245] **190.243**.

190.131. 1. The department shall accredit or certify training entities for emergency medical responders, emergency medical dispatchers, and emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to [190.245] **190.243** and all rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**, and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;
- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

190.142. 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency

services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243** and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review;

(4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable

and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(4) Have not been disciplined pursuant to sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

2. A temporary emergency medical technician license shall only authorize the [license] **licensee** to practice while under the immediate supervision of a licensed emergency medical technician, registered nurse, physician assistant, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

190.146. Any licensee allowing a license to lapse may within two years of the lapse request that their license be returned to active status by notifying the department in advance of such intention, and submit a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. If the licensee meets all the requirements for relicensure, the department shall issue a new emergency medical technician license to the licensee.

190.160. The renewal of any license shall require conformance with sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537, and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537.

190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to [190.245] **190.243** for failure to comply with the provisions of sections 190.100 to [190.245] **190.243** or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as

provided by chapter 621 against any holder of any certificate, permit or license required by sections 190.100 to [190.245] **190.243** or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to [190.245] **190.243** or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to [190.245] **190.243**, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to [190.245] **190.243** or in obtaining permission to take any examination given or required pursuant to sections 190.100 to [190.245] **190.243**;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to [190.245] **190.243**, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to [190.245] **190.243**;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to [190.245] **190.243** granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to [190.245] **190.243** who is not licensed and currently eligible to practice pursuant to sections 190.100 to [190.245] **190.243**;

(11) Issuance of a certificate, permit or license based upon a material mistake of fact;

(12) Violation of any professional trust, confidence, or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to respond to reasonable department of health and senior services' requests for necessary information to process an application or to determine license status or license eligibility;

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public;

(17) Repeated acts of negligence or recklessness in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**.

3. If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:

(1) Consult legal counsel or have legal counsel present;

(2) Have anyone present whom he or she deems to be necessary or desirable; and

(3) Refuse to answer any question or refuse to provide or sign any written statement.

The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. The administrative hearing commission shall hear all relevant evidence on remediation activities of the licensee and shall make a recommendation to the department of health and senior services as to licensure disposition based on such evidence.

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to [190.245] **190.243** relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

6. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to [190.245] **190.243** and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The department of health and senior services may suspend any certificate, permit or license required

pursuant to sections 190.100 to [190.245] **190.243** simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.171. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person pursuant to the provisions of sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.

190.173. 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to [190.245] **190.243** shall not be confidential.

3. Any information regarding the physical address, mailing address, phone number, fax number, or email address of a licensed ambulance service or a certified training entity, including the name of the medical director and organizational contact information, shall not be confidential.

4. This section shall not be construed to authorize the release of records, reports, or other information which may be held in department files for any holder of or applicant for any certificate, permit, or license that is subject to other specific state or federal laws concerning their disclosure.

5. Nothing in this section shall prohibit the department from releasing aggregate information in accordance with section 192.067.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, pursuant to rules promulgated by the department for the purpose of injury etiology, patient care outcome, injury and disease prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1998, pursuant to:

(1) Departmental regulation of trauma centers; or

(2) [The Missouri brain and spinal cord injury registry established by sections 192.735 to 192.745; or

(3)] Abstracts of inpatient hospital data; or

[(4)] **(3)** If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. All information and documents in any civil action, otherwise discoverable, may be obtained from any person or entity providing information pursuant to the provisions of sections 190.001 to [190.245] **190.243**.

190.180. 1. Any person violating, or failing to comply with, the provisions of sections 190.001 to [190.245] **190.243** is guilty of a class B misdemeanor.

2. Each day that any violation of, or failure to comply with, sections 190.001 to [190.245] **190.243** is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as such hereunder; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general of Missouri shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections 190.001 to [190.245] **190.243**, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating in violation of sections 190.001 to [190.245] **190.243**.

4. The prosecuting attorney for the county in which the violation of a political subdivision's law, ordinance or regulation relating to the provision of ambulance services occurs may prosecute such violations in the circuit court of that county. The legal officer or attorney for the political subdivision may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation.

5. A person, acting as owner, agent or otherwise, who holds a valid license for an ambulance service, shall not, incident to such person's business or service of transporting patients, violate any applicable law, ordinance or regulation of any political subdivision by providing ambulance services or operating any ambulances without a franchise, contract or mutual-aid agreement in such political subdivision, or by violating any such franchise, contract or mutual-aid agreement by any political subdivision which has enacted ordinances making it unlawful to do so. If the department receives official written notification by a political subdivision that an ambulance service has been adjudicated and found to be in violation of any applicable law or ordinance, such ambulance service shall be subject to licensure action by the department.

6. No provision of this section is intended to limit or supersede a political subdivision's right to enforce any law, ordinance, regulation, franchise, contract or mutual-aid agreement.

7. The provisions of subsections 4, 5 and 6 of this section shall not apply to a city not within a county and any county with a population of over nine hundred thousand inhabitants and any licensed ambulance service when operating in a city not within a county.

190.185. The department shall adopt, amend, promulgate, and enforce such rules, regulations and standards with respect to the provisions of this chapter as may be designed to further the accomplishment of the purpose of this law in promoting state-of-the-art emergency medical services in the interest of public health, safety and welfare. When promulgating such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services. Any rule or portion of a rule promulgated pursuant to the authority of sections 190.001 to [190.245] **190.243** or sections 190.525 to 190.537 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or

to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.190. 1. All ambulance vehicles or aircraft that have or are qualified to have a valid license issued by the department on the day that sections 190.001 to [190.245] **190.243** take effect will have their ambulance vehicle or aircraft license expiration date extended to a date that is one year after the effective date of sections 190.001 to [190.245] **190.243**.

2. All ambulance services shall have until August 28, 1999, to comply with the provisions of sections 190.001 to [190.245] **190.243** and rules developed pursuant to sections 190.001 to [190.245] **190.243**. Pursuant to sections 190.001 to [190.245] **190.243** the department may adjust the initial period of licensure, from one year to five years, of any ambulance service licensed pursuant to sections 190.001 to [190.245] **190.243**, to equalize the number of licenses that may be renewed during each year of any five-year licensure period.

190.196. 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to [190.245] **190.243**, or by rules adopted pursuant to sections 190.001 to [190.245] **190.243**, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as an emergency medical responder, emergency medical dispatcher, emergency medical technician, registered nurse, physician assistant, or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to [190.245] **190.243**.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to [190.245] **190.243** shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

- (1) Child abuse or sexual abuse of a child;
- (2) Crimes of violence; or
- (3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

190.200. 1. The department of health and senior services in cooperation with **hospitals and** local and regional EMS systems and agencies may provide public and professional information and education programs related to emergency medical services systems including trauma, STEMI, and stroke systems and emergency medical care and treatment. The department of health and senior services may also provide public information and education programs for informing residents of and visitors to the state of the availability and proper use of emergency medical services, **of the designation a hospital may receive as a trauma center, STEMI center, or stroke center**, of the value and nature of programs to involve citizens in the administering of prehospital emergency care, including cardiopulmonary resuscitation, and of the

availability of training programs in emergency care for members of the general public.

2. The department shall, for **trauma care**, STEMI care, and stroke care, respectively:

(1) Compile [and], assess, **and make publicly available** peer-reviewed and evidence-based clinical research and guidelines that provide or support recommended treatment standards **and that have been recommended by the time-critical diagnosis advisory committee**;

(2) Assess the capacity of the emergency medical services system and hospitals to deliver recommended treatments in a timely fashion;

(3) Use the research, guidelines, and assessment to promulgate rules establishing protocols for transporting **trauma patients to a trauma center**, STEMI patients to a STEMI center, or stroke patients to a stroke center. Such transport protocols shall direct patients to **trauma centers**, STEMI centers, and stroke centers under section 190.243 based on the centers' capacities to deliver recommended acute care treatments within time limits suggested by clinical research;

(4) Define regions within the state for purposes of coordinating the delivery of **trauma care**, STEMI care, and stroke care, respectively;

(5) Promote the development of regional or community-based plans for transporting **trauma**, STEMI, or stroke patients via ground or air ambulance to **trauma centers**, STEMI centers, or stroke centers, respectively, in accordance with section 190.243; and

(6) Establish procedures for the submission of community-based or regional plans for department approval.

3. A community-based or regional plan **for the transport of trauma, STEMI, and stroke patients** shall be submitted to the department for approval. Such plan shall be based on the clinical research and guidelines and assessment of capacity described in subsection [1] **2** of this section and shall include a mechanism for evaluating its effect on medical outcomes. Upon approval of a plan, the department shall waive the requirements of rules promulgated under sections 190.100 to [190.245] **190.243** that are inconsistent with the community-based or regional plan. A community-based or regional plan shall be developed by [or in consultation with] the representatives of hospitals, physicians, and emergency medical services providers in the community or region.

190.241. 1. **Except as provided for in subsection 4 of this section**, the department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** Such rules shall include designation as a trauma center without site review if such hospital is verified by a national verifying or designating body at the level which corresponds to a level approved in rule. **In developing trauma center designation criteria, the department shall use, as it deems practicable, peer-reviewed and evidence-based clinical research and guidelines including, but not limited to, the most recent guidelines of the American College of Surgeons.**

2. Except as provided for in subsection [5] **4** of this section, the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in

accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, [appropriate] peer-reviewed [or] **and** evidence-based **clinical** research [on such topics] **and guidelines** including, but not limited to, the most recent guidelines of the American College of Cardiology [and], **the** American Heart Association [for STEMI centers, or the Joint Commission's Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by], **or** the American Stroke Association. Such rules shall include designation as a STEMI center **or stroke center** without site review if such hospital is certified by a national body.

3. The department of health and senior services shall, not less than once every [five] **three** years, conduct [an on-site] **a site** review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, with the exception of **trauma centers, STEMI centers, and** stroke centers designated pursuant to subsection [5] **4** of this section; however, this provision is not intended to limit the department's ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center. [On-site] **Site** reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has [reasonable cause to believe that] **determined** there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. **Centers that are placed on probationary status shall be required to demonstrate compliance with the provisions of this chapter and any rules or regulations promulgated under this chapter within twelve months of the date of the receipt of the notice of probationary status, unless otherwise provided by a settlement agreement with a duration of a maximum of eighteen months between the department and the designated center.** If the department of health and senior services has [reasonable cause to believe] **determined** that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive [on-site] **site** reviews because of substantial noncompliance with standards prescribed by sections 190.001 to [190.245] **190.243** or rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**, its center designation shall be revoked.

4. **(1)** Instead of applying for **trauma, STEMI, or stroke** center designation under subsection **1 or 2** of this section, a hospital may apply for **trauma, STEMI, or stroke** center designation under this subsection. Upon receipt of an application [from a hospital] on a form prescribed by the department, the department shall designate such hospital[:

(1) A level I STEMI center if such hospital has been certified as a Joint Commission comprehensive cardiac center or another department-approved nationally recognized organization that provides comparable STEMI center accreditation; or

(2) A level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI receiving center by the American Heart Association accreditation process or another department-approved nationally recognized organization that provides STEMI receiving center accreditation.

5. Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this

section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:

(1) A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;

(2) A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or

(3) A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines] **at a state level that corresponds to a similar national designation as set forth in rules promulgated by the department. The rules shall be based on standards of nationally recognized organizations and the recommendations of the time-critical diagnosis advisory committee.**

(2) Except as provided by subsection [6] **5** of this section, the department shall not require compliance with any additional standards for establishing or renewing **trauma, STEMI, or** stroke designations. The designation shall continue if such hospital remains **certified or verified**. The department may remove a hospital's designation as a **trauma center, STEMI center, or** stroke center if the hospital requests removal of the designation or the department determines that the certificate [recognizing] **or verification that qualified** the hospital [as a stroke center] **for the designation under this subsection** has been suspended or revoked. Any decision made by the department to withdraw its designation of a [stroke] center pursuant to this subsection that is based on the revocation or suspension of a certification **or verification** by a certifying **or verifying** organization shall not be subject to judicial review. The department shall report to the certifying **or verifying** organization any complaint it receives related to the [stroke] center [certification of a stroke center] designated pursuant to this subsection. The department shall also advise the complainant which organization certified **or verified** the [stroke] center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying **or verifying** organization.

[6.] **5.** Any hospital receiving designation as a **trauma center, STEMI center, or** stroke center pursuant to subsection [5] **4** of this section shall:

(1) [Annually and] Within thirty days of any changes **or receipt of a certificate or verification**, submit to the department proof of [stroke] certification **or verification** and the names and contact information of the **center's** medical director and the program manager [of the stroke center]; **and**

(2) [Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5)] Participate in local and regional emergency medical services systems [by reviewing and sharing

outcome data and] **for purposes of** providing training [and], **sharing** clinical educational resources, **and collaborating on improving patient outcomes.**

Any hospital receiving designation as a level III stroke center pursuant to subsection [5] **4** of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

[7.] **6.** Hospitals designated as a **trauma center, STEMI center,** or stroke center by the department[, including those designated pursuant to subsection 5 of this section,] shall submit data [to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done] by **one of** the following methods:

(1) Entering hospital data [directly] into a state registry [by direct data entry]; **or**

(2) [Downloading hospital data from a nationally recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally recognized registry or data bank to disclose or grant access to the department facility-specific data held by the] **Entering hospital data into a national** registry or data bank. A hospital submitting data pursuant to **this** subdivision [(2) or (3) of this subsection] shall not be required to collect and submit any additional **trauma, STEMI, or stroke center** data elements. **No hospital submitting data to a national data registry or data bank under this subdivision shall withhold authorization for the department to access such data through such national data registry or data bank. Nothing in this subdivision shall be construed as requiring duplicative data entry by a hospital that is otherwise complying with the provisions of this subsection. Failure of the department to obtain access to data submitted to a national data registry or data bank shall not be construed as hospital noncompliance under this subsection.**

[8.] **7.** When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' **trauma, stroke, and STEMI care; and**

(4) [The data collection system shall be capable of accepting file transfers of data entered into any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements; and

(5)] **Trauma, STEMI, and stroke center** data elements shall conform to [nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines] **national registry or data bank data elements**, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity.

[9. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma,

STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

10.] **8. The department shall not have authority to establish additional education requirements for emergency medicine board-certified or board-eligible physicians who are participating in the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) maintenance of certification process and are practicing in the emergency department of a facility designated as a trauma center, STEMI center, or stroke center by the department under this section. The department shall deem the education requirements promulgated by ABEM or AOBEM to meet the standards for designations under this section. Education requirements for non-ABEM or non-AOBEM certified physicians, nurses, and other providers who provide care at a facility designated as a trauma center, STEMI center, or stroke center by the department under this section shall mirror but not exceed those established by national designating or verifying bodies of trauma centers, STEMI centers, or stroke centers.**

9. The department of health and senior services may establish appropriate fees to offset **only** the costs of trauma, STEMI, and stroke center [reviews] **surveys**.

[11.] **10. No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.**

[12.] **11. Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.**

12. Failure of a hospital to provide all medical records and quality improvement documentation necessary for the department to implement the provisions of sections 190.241 to 190.243 shall result in the revocation of the hospital's designation as a trauma center, STEMI center, or stroke center. Any medical records obtained by the department shall be used only for purposes of implementing the provisions of sections 190.241 to 190.243, and the names of hospitals, physicians, and patients shall not be released by the department or members of review teams.

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center. Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

2. A physician, **physician assistant**, or registered nurse authorized by a physician who has established verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health and senior services, even when the hospital is located outside of the ambulance service's primary service area. When initial transport from the scene of illness or injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke, or severely injured patient may be transported to the nearest appropriate facility for

stabilization prior to transport to a trauma, STEMI, or stroke center.

3. Transport of the STEMI, stroke, or severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.

4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke center shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols.

190.248. 1. All investigations conducted in response to allegations of violations of sections 190.001 to [190.245] **190.243** shall be completed within six months of receipt of the allegation.

2. In the course of an investigation the department shall have access to all records directly related to the alleged violations from persons or entities licensed pursuant to this chapter or chapter 197 or 198.

3. Any department investigations that involve other administrative or law enforcement agencies shall be completed within six months of notification and final determination by such administrative or law enforcement agencies.

190.257. 1. There is hereby established the “Time-Critical Diagnosis Advisory Committee”, to be designated by the director for the purpose of advising and making recommendations to the department on:

(1) Improvement of public and professional education related to time-critical diagnosis;

(2) Engagement in cooperative research endeavors;

(3) Development of standards, protocols, and policies related to time-critical diagnosis, including recommendations for state regulations; and

(4) Evaluation of community and regional time-critical diagnosis plans, including recommendations for changes.

2. The members of the committee shall serve without compensation, except that the department shall budget for reasonable travel expenses and meeting expenses related to the functions of the committee.

3. The director shall appoint sixteen members to the committee from applications submitted for appointment, with the membership to be composed of the following:

(1) Six members, one from each EMS region, who are active participants providing emergency medical services, with at least:

(a) One member who is a physician serving as a regional EMS medical director;

(b) One member who serves on an air ambulance service;

(c) One member who resides in an urban area; and

(d) One member who resides in a rural area; and

(2) Ten members who represent hospitals, with at least:

(a) One member who is employed by a level I or level II trauma center;

(b) One member who is employed by a level I or level II STEMI center;

(c) One member who is employed by a level I or level II stroke center;

(d) One member who is employed by a rural or critical access hospital; and

(e) Three physicians, with one physician certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) and two physicians employed in time-critical diagnosis specialties at a level I or level II trauma center, STEMI center, or stroke center.

4. In addition to the sixteen appointees, the state EMS medical director shall serve as an ex officio member of the committee.

5. The director shall make a reasonable effort to ensure that the members representing hospitals have geographical representation from each district of the state designated by a statewide nonprofit membership association of hospitals.

6. Members appointed by the director shall be appointed for three-year terms. Initial appointments shall include extended terms in order to establish a rotation to ensure that only approximately one-third of the appointees will have their term expire in any given year. An appointee wishing to continue in his or her role on the committee shall resubmit an application as required by this section.

7. The committee shall consult with the state advisory council on emergency medical services, as described in section 190.101, regarding issues involving emergency medical services.”; and”

Further amend said bill,”; and

Further amend said amendment, Page 3, Line 39, by inserting after said line the following:

“Further amend said bill, Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

“287.243. 1. This section shall be known and may be cited as the “Line of Duty Compensation Act”.

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and the corresponding regulations applicable to such programs;

(3) “Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(4) “Child”, any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer’s fatality is:

(a) Eighteen years of age or under;

(b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

(c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(5) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and by rules adopted by the department of health and senior services under sections 190.001 to [190.245] **190.243**;

(6) “Firefighter”, any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(7) “Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(8) “Killed in the line of duty”, when any person defined in this section loses his or her life when:

(a) Death is caused by an accident or the willful act of violence of another;

(b) The public safety officer is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the public safety officer is traveling to or from employment; or the public safety officer is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the public safety officer. The division of workers’ compensation shall have the burden of proving such willful misconduct or intoxication;

(9) “Law enforcement officer”, any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person’s life;

(10) “Local governmental entity”, includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) “Public safety officer”, any law enforcement officer, firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer, or

highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

(12) “State”, the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(13) “Volunteer firefighter”, a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers’ compensation not later than one year from the date of death of a public safety officer. If a claim is made within one year of the date of death of a public safety officer killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the public safety officer if there is no child who survived the public safety officer;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the public safety officer, and a surviving spouse of the public safety officer;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the public safety officer;

(4) If there is no surviving spouse of the public safety officer and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a) **of this subdivision**;

(5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term “child” but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5)

of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the public safety officer was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely

for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void.”; and

Further amend said amend bill, Page 11, Section 574.204, Line 9, by inserting after all of said section and line the following:

“[190.245. The department shall require hospitals, as defined by chapter 197, designated as trauma, STEMI, or stroke centers to provide for a peer review system, approved by the department, for trauma, STEMI, and stroke cases, respective to their designations, under section 537.035. For purposes of sections 190.241 to 190.245, the department of health and senior services shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of section 537.035. Failure of a hospital to provide all medical records necessary for the department to implement provisions of sections 190.241 to 190.245 shall result in the revocation of the hospital’s designation as a trauma, STEMI, or stroke center. Any medical records obtained by the department or peer review committees shall be used only for purposes of implementing the provisions of sections 190.241 to 190.245 and the names of hospitals, physicians and patients shall not be released by the department or members of review committees.]”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 3, Line 39, by inserting after said section and line the following:

“Further amend said bill, Page 10, Section 574.203, Line 2, by inserting after the word “**disability**” the words “, **mental disorder, or mental illness**”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 9, Section 197.135, Line 47, by inserting after all of said line and section the following:

“208.226. 1. No restrictions to access shall be imposed that preclude availability of any individual antipsychotic medication.

2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure

clinical best practices, including, but not limited to:

(1) Drug safety and avoidance of harmful drug interactions;

(2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;

(3) Detection of patients receiving prescription drugs from multiple prescribers; and

(4) Detection, prevention, and treatment of substance use disorders.

3. The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers, including, but not limited to:

(1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;

(2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by best medical evidence;

(3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;

(4) Treatment with antipsychotic drugs should support an improved quality of life for the patient; and

(5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines.

4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division may recommend a resource list with no restrictions to access.

208.227. 1. [No restrictions to access shall be imposed that preclude availability of any individual atypical antipsychotic monotherapy for the treatment of schizophrenia, bipolar disorder, or psychosis associated with severe depression.] The division shall establish a pharmaceutical case management or polypharmacy program for high risk MO HealthNet participants with numerous or multiple prescribed drugs. The division shall also establish a behavioral health pharmacy and opioid surveillance program to encourage the use of best medical evidence-supported prescription practices. The division shall communicate with providers, as such term is defined in section 208.164, whose prescribing practices deviate from or do not otherwise utilize best medical evidence-supported prescription practices. The communication may be telemetric, written, oral, or some combination thereof. These programs shall be established and administered through processes established and supported under a memorandum of understanding between the department of mental health and the department of social services, or their successor entities.

2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices, including, but not limited to:

(1) Drug safety and avoidance of harmful drug interactions;

(2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;

- (3) Detection of patients receiving prescription drugs from multiple prescribers; and
- (4) Detection, prevention, and treatment of substance use disorders.

3. [The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers including, but not limited to:

(1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;

(2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by best medical evidence;

(3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;

(4) Treatment with antipsychotic drugs should support an improved quality of life for the patient;

(5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines; and

(6) Cost considerations in the context of best practices, efficacy, and patient response to adverse drug reactions should guide antipsychotic medication policy and selection once the preceding principles have been maximally achieved.

4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division shall adhere to the following:

(1) If an antipsychotic drug listed as "nonpreferred" is considered clinically appropriate for an individual patient based on the patient's previous response to the drug or other medical considerations, prior authorization procedures, as such term is defined in section 208.164, shall be simple and flexible;

(2) If an antipsychotic drug listed as "nonpreferred" is known or found to be safe and effective for a given individual, the division shall not restrict the patient's access to that drug. Such nonpreferred drug shall, for that patient only and if that patient has been reasonably adherent to the prescribed therapy, be considered "preferred" in order to minimize the risk of relapse and to support continuity of care for the patient;

(3) A patient shall not be required to change antipsychotic drugs due to changes in medication management policy, prior authorization, or a change in the payor responsible for the benefit; and

(4) Patients transferring from state psychiatric hospitals to community-based settings, including patients previously found to be not guilty of a criminal offense by reason of insanity or who have previously been found to be incompetent to stand trial, shall be permitted to continue the medication regimen that aided the stability and recovery so that such patient was able to successfully transition to the community-based setting.

5. The division's medication policy and clinical edits shall provide MO HealthNet participants initial access to multiple Food and Drug Administration-approved antipsychotic drugs that have substantially the same clinical differences and adverse effects that are predictable across individual patients and whose manufacturers have entered into a federal rebate agreement with the Department of Health and Human

Services. Clinical differences may include, but not be limited to, weight gain, extrapyramidal side effects, sedation, susceptibility to metabolic syndrome, other substantial adverse effects, the availability of long-acting formulations, and proven efficacy in the treatment of psychosis. The available drugs for an individual patient shall include, but not be limited to, the following categories:

- (1) At least one relatively weight-neutral atypical antipsychotic medication;
- (2) At least one long-acting injectable formulation of an atypical antipsychotic;
- (3) Clozapine;
- (4) At least one atypical antipsychotic medication with relatively potent sedative effects;
- (5) At least one medium-potency typical antipsychotic medication;
- (6) At least one long-acting injectable formulation of a high-potency typical antipsychotic medication;
- (7) At least one high-potency typical antipsychotic medication; and
- (8) At least one low-potency typical antipsychotic medication.

6. Nothing in subsection 5 of this section shall be construed to require any of the following:

- (1) Step therapy or a trial of a typical antipsychotic drug before permitting a patient access to an atypical drug or antipsychotic medication;
- (2) A limit of one atypical antipsychotic drug as an open-access, first-choice agent; or
- (3) A trial of one of the eight categories of drugs listed in subsection 5 of this section before having access to the other seven categories.

7.] The department of social services may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

[8.] 4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

[9. As used in this section, the following terms mean:

- (1) “Division”, the MO HealthNet division of the department of social services;
- (2) “Reasonably adherent”, a patient’s adherence to taking medication on a prescribed schedule as measured by a medication position ratio of at least seventy-five percent;
- (3) “Successfully utilized previously”, a drug or drug regimen’s provision of clinical stability in treating a patient’s symptoms.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 2, Section 9.309, Line 3, by inserting after all of said section and line the following:

“103.200. 1. For purposes of this section, the following terms mean:

(1) “Pharmacy”, the same meaning given to the term in section 338.210;

(2) “Plan”, the Missouri consolidated health care plan as described in section 103.005;

(3) “Rebate”, any discount, negotiated concession, or other payment provided by a pharmaceutical manufacturer, pharmacy, or health benefit plan to an entity to sell, provide, pay, or reimburse a pharmacy or other entity in the state for the dispensation or administration of a prescription drug on behalf of itself or another entity.

2. Before March 1, 2023, and annually thereafter, the pharmacy benefits manager utilized by the Missouri consolidated health care plan shall file a report with the plan for the immediately preceding calendar year. The report shall contain the following information regarding the plan:

(1) The aggregate dollar amount of all rebates that the pharmacy benefits manager collected from pharmaceutical manufacturers that manufactured outpatient prescription drugs that:

(a) Were covered by the plan during such calendar year; and

(b) Were attributable to patient utilization of such drugs during such calendar year; and

(2) The aggregate dollar amount of all rebates, excluding any portion of the rebates received by the plan, concerning drug formularies that the pharmacy benefits manager collected from pharmaceutical manufacturers that manufactured outpatient prescription drugs that:

(a) Were covered by the plan during such calendar year; and

(b) Were attributable to patient utilization of such drugs by covered persons under the plan during such calendar year.

3. In consultation with its pharmacy benefits manager, the plan shall establish a form for reporting the information required under subsection 2 of this section. The form shall be designed to minimize the administrative burden and cost of reporting on the plan and its pharmacy benefits manager.

4. No documents, materials, or other information submitted to the plan under subsection 2 of this section shall be subject to disclosure under chapter 610, except to the extent they are included on an aggregated basis in the reports required under subsection 5 of this section. The plan shall not disclose information submitted under subsection 2 of this section in a manner that:

(1) Is likely to compromise the financial, competitive, or proprietary nature of such information;
or

(2) Would enable a third party to identify the value of a rebate provided for a particular outpatient prescription drug or therapeutic class of outpatient prescription drugs.

5. (1) Before July 1, 2023, and annually thereafter, the plan shall submit a report to the standing committees of the general assembly having jurisdiction over health insurance matters. The report

shall contain an aggregation of the information submitted to the plan under subdivision (1) of subsection 2 of this section for the immediately preceding calendar year and such other information as the plan in its discretion deems relevant for the purposes of this section. The plan shall provide its pharmacy benefits manager and any third party affected by submission of a report required by this subsection with a written notice describing the content of the report.

(2) Before July 1, 2023, and annually thereafter, the plan shall prepare a report for the immediately preceding calendar year describing the rebate practices of the plan and its pharmacy benefits manager. The plan shall provide the report to the standing committees of the general assembly having jurisdiction over health insurance matters and the director of the department of commerce and insurance. The report shall contain:

(a) An explanation of the manner in which the plan accounted for rebates in calculating premiums for such year;

(b) A statement disclosing whether, and describing the manner in which, the plan made rebates available to enrollees at the point of purchase during such year;

(c) A statement describing any other manner in which the plan applied rebates during such year; and

(d) Such other information as the plan in its discretion deems relevant for the purposes of this section.

6. The plan may impose a penalty of no more than seven thousand five hundred dollars on its pharmacy benefits manager for each violation of this section.”; and

Further amend said bill, Page 10, Section 221.065, Line 12, by inserting after all of said section and line the following:

“338.015. 1. The provisions of sections 338.010 to 338.015 shall not be construed to inhibit the patient’s freedom of choice to obtain prescription services from any licensed pharmacist **or pharmacy**. [However, nothing in sections 338.010 to 338.315 abrogates the patient’s ability to waive freedom of choice under any contract with regard to payment or coverage of prescription expense.]

2. All pharmacists may provide pharmaceutical consultation and advice to persons concerning the safe and therapeutic use of their prescription drugs.

3. All patients shall have the right to receive a written prescription from their prescriber to take to the facility of their choice or to have an electronic prescription transmitted to the facility of their choice.

4. No pharmacy benefits manager, as defined in section 376.388, shall prohibit or redirect by contract, or otherwise penalize or restrict, a covered person, as defined in section 376.387, from obtaining prescription services, consultation, or advice from a contracted pharmacy, as defined in section 376.388.

376.387. 1. For purposes of this section, the following terms shall mean:

(1) “Covered person”, [the same meaning as such term is defined in section 376.1257] **a policyholder, subscriber, enrollee, or other individual who receives prescription drug coverage through a pharmacy benefits manager;**

- (2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;
- (3) “Health carrier” or “carrier”, the same meaning as such term is defined in section 376.1350;
- (4) “Pharmacy”, the same meaning as such term is defined in chapter 338;
- (5) “Pharmacy benefits manager”, the same meaning as such term is defined in section 376.388.

2. No pharmacy benefits manager shall include a provision in a contract entered into or modified on or after August 28, 2018, with a pharmacy or pharmacist that requires a covered person to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

- (1) The copayment amount as required under the health benefit plan; or
- (2) The amount an individual would pay for a prescription if that individual paid with cash.

3. A pharmacy or pharmacist shall have the right to provide to a covered person information regarding the amount of the covered person’s cost share for a prescription drug, the covered person’s cost of an alternative drug, and the covered person’s cost of the drug without adjudicating the claim through the pharmacy benefits manager. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or from selling a more affordable alternative to the covered person.

4. No pharmacy benefits manager shall, directly or indirectly, charge or hold a pharmacist or pharmacy responsible for any fee amount related to a claim that is not known at the time of the claim’s adjudication, unless the amount is a result of improperly paid claims [or charges for administering a health benefit plan].

5. [This section shall not apply with respect to claims under Medicare Part D, or any other plan administered or regulated solely under federal law, and to the extent this section may be preempted under the Employee Retirement Income Security Act of 1974 for self-funded employer-sponsored health benefit plans.

6.] A pharmacy benefits manager shall notify in writing any health carrier with which it contracts if the pharmacy benefits manager has a conflict of interest, any commonality of ownership, or any other relationship, financial or otherwise, between the pharmacy benefits manager and any other health carrier with which the pharmacy benefits manager contracts.

[7.] 6. Any entity that enters into a contract to sell, provide, pay, or reimburse a pharmacy in the state for prescription drugs on behalf of itself or another entity shall define and apply the term “generic”, with respect to prescription drugs, to mean any “authorized generic drug”, as defined in 21 CFR 314.3, approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, as amended.

7. Any entity that enters into a contract to sell, provide, pay, or reimburse a pharmacy in the state for prescription drugs on behalf of itself or another entity shall define and apply the term “rebate” as having the same meaning given to the term in section 103.200.

8. A pharmacy benefits manager that has contracted with an entity to provide pharmacy benefit management services for such an entity shall owe a fiduciary duty to that entity, and shall discharge that duty in accordance with federal and state law.

9. The department of commerce and insurance shall enforce this section.

376.388. 1. As used in this section, unless the context requires otherwise, the following terms shall mean:

(1) “Contracted pharmacy” [or “pharmacy”], a pharmacy located in Missouri participating in the network of a pharmacy benefits manager through a direct or indirect contract;

(2) [“Health carrier”, an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or health services, except that such plan shall not include any coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(3)] “Maximum allowable cost”, the per-unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding a dispensing or professional fee;

[(4)] **(3)** “Maximum allowable cost list” or “MAC list”, a listing of drug products that meet the standard described in this section;

[(5)] **(4)** “Pharmacy”, as such term is defined in chapter 338;

[(6)] **(5)** “Pharmacy benefits manager”, an entity that [contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state] **administers or manages a pharmacy benefits plan or program;**

(6) “Pharmacy benefits manager affiliate”, a pharmacy or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with a pharmacy benefits manager;

(7) “Pharmacy benefits plan or program”, a plan or program that pays for, reimburses, covers the cost of, or otherwise provides for pharmacist services to individuals who reside in or are employed in this state.

2. Upon each contract execution or renewal between a pharmacy benefits manager and a pharmacy or between a pharmacy benefits manager and a pharmacy’s contracting representative or agent, such as a pharmacy services administrative organization, a pharmacy benefits manager shall, with respect to such contract or renewal:

(1) Include in such contract or renewal the sources utilized to determine maximum allowable cost and update such pricing information at least every seven days; and

(2) Maintain a procedure to eliminate products from the maximum allowable cost list of drugs subject to such pricing or modify maximum allowable cost pricing at least every seven days, if such drugs do not meet the standards and requirements of this section, in order to remain consistent with pricing changes in the marketplace.

3. A pharmacy benefits manager shall reimburse pharmacies for drugs subject to maximum allowable cost pricing that has been updated to reflect market pricing at least every seven days as set forth under subdivision (1) of subsection 2 of this section.

4. A pharmacy benefits manager shall not place a drug on a maximum allowable cost list unless there

are at least two therapeutically equivalent multisource generic drugs, or at least one generic drug available from at least one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers.

5. (1) All contracts between a pharmacy benefits manager and a contracted pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, shall include a process to internally appeal, investigate, and resolve disputes regarding maximum allowable cost pricing. The process shall include the following:

[(1)] (a) The right to appeal shall be limited to fourteen calendar days following the reimbursement of the initial claim; and

[(2)] (b) A requirement that the pharmacy benefits manager shall respond to an appeal described in this subsection no later than fourteen calendar days after the date the appeal was received by such pharmacy benefits manager.

(2) If a reimbursement to a contracted pharmacy is below the pharmacy's cost to purchase the drug, the pharmacy benefits manager shall sustain an appeal and increase reimbursement to the pharmacy and other contracted pharmacies to cover the cost of purchasing the drug.

(3) A pharmacy benefits manager shall not reimburse a pharmacy or pharmacist in the state an amount less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same pharmacist services.

6. For appeals that are denied, the pharmacy benefits manager shall provide the reason for the denial and identify the national drug code of a drug product that may be purchased by contracted pharmacies at a price at or below the maximum allowable cost and, when applicable, may be substituted lawfully.

7. If the appeal is successful, the pharmacy benefits manager shall:

(1) Adjust the maximum allowable cost price that is the subject of the appeal effective on the day after the date the appeal is decided;

(2) Apply the adjusted maximum allowable cost price to all similarly situated pharmacies as determined by the pharmacy benefits manager; and

(3) Allow the pharmacy that succeeded in the appeal to reverse and rebill the pharmacy benefits claim giving rise to the appeal.

8. Appeals shall be upheld if:

(1) The pharmacy being reimbursed for the drug subject to the maximum allowable cost pricing in question was not reimbursed as required under subsection 3 of this section; or

(2) The drug subject to the maximum allowable cost pricing in question does not meet the requirements set forth under subsection 4 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 403, Page 42, Section 135.690, Line 97, by inserting after all of said section and line the following:

“191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:

- (1) Buprenorphine [tablets];
- (2) Methadone;
- (3) Naloxone;
- (4) [Extended-release injectable] Naltrexone; and
- (5) Buprenorphine/naloxone combination.

2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.

3. MAT medications provided for in this section shall not be subject to any of the following:

- (1) Any annual or lifetime dollar limitations;
- (2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);
- (3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and
- (4) Prior authorization for MAT medications as specified in this section.

4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.

5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.

6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.

7. Subject to appropriations, the department of corrections and all other state entities responsible for the care of persons detained or incarcerated in jails and prisons shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a social worker; professional counselor; licensed psychologist; psychiatrist; or qualified addiction professional as defined by the department of mental health within the scope of practice for

which he or she is credentialed. The department of corrections or entity shall make available the MAT services covered in this section, consistent with a treatment plan developed by the physician, and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or the

dose or duration of MAT recommended by the physician.

8. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.

[8.] 9. Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided.”; and

Further amend said bill, Page 11, Section 574.204, Line 9, by inserting after all of said section and line the following:

“Section 1. The Missouri Dental Board may collaborate with the Department of Health and Senior Services and the Office of Dental Health and may approve pilot projects to examine new methods to extend care to underserved populations. These pilot projects may employ techniques or approaches to care that are outside existing statutes and rules provided:

(1) The project plan has a clearly stated objective of serving a specific underserved population that warrants, in the opinion of a majority of the Board, granting approval for a pilot project;

(2) The project has a finite start date and termination date;

(3) The project clearly defines the new techniques or approaches it intends to examine to determine if it results in an improvement in access or quality of care;

(4) The project plan identifies specific and limited locations and populations to participate in the pilot project;

(5) The project plan clearly establishes minimum guidelines and standards for the pilot project including provisions for protecting safety of participating patients;

(6) The project plan clearly defines the measurement criteria it will use to evaluate the outcomes of the pilot project on access and quality of care; and

(7) The project plan identifies reporting intervals to communicate interim and final outcomes to the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gannon moved that the Senate refuse to concur in **SB 303**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HB 297**, entitled:

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty new sections relating to institutions of higher education.

Was taken up by Senator Rehder.

Senator Rehder offered **SS** for **HS** for **HB 297**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 297**

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty-one new sections relating to institutions of higher education.

Senator Rehder moved that **SS** for **HS** for **HB 297** be adopted.

Senator Bernskoetter assumed the Chair.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Bill No. 297, Pages 24-28, Section 173.1003, Lines 1-109, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted.

At the request of Senator Rehder, **HS** for **HB 297**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Moon offered Senate Resolution No. 388, regarding Pastor James Weaver, Cassville, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIFTH DAY—TUESDAY, MAY 11, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

HB 554-Eggleston, with SCS (Koenig) (In Fiscal Oversight)	HCS for HB 1242, with SCS (Luetkemeyer) (In Fiscal Oversight)
HB 834-Wright (O'Laughlin) (In Fiscal Oversight)	HJR 6-Schnelting, with SCS (Eigel)
HB 352-Henderson, with SCS (Brown)	HCS for HB 1358, with SCS (Eigel) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)	SB 137-Brattin
SB 3-Hegeman	SB 138-Brattin, with SCS
SB 7-Riddle, with SS & SA 1 (pending)	SB 139-Bean
SB 10-Schatz, with SS (pending)	SB 149-Onder
SB 11-Schatz, with SS & SA 1 (pending)	SB 163-Cierpiot
SB 24-Eigel, with SS#2 (pending)	SB 168-Burlison
SB 30-Cierpiot	SB 169-Burlison
SB 39-Burlison, with SS (pending)	SB 174-Hough, with SCS
SB 47-Hough	SB 179-Luetkemeyer
SB 54-O'Laughlin, with SCS	SB 182-O'Laughlin
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)	SB 183-O'Laughlin
SB 62-Williams, with SCS	SB 184-Bean, with SCS
SB 65-Rehder, with SCS	SB 195-Koenig
SB 74-Bean, with SCS	SB 198-Eigel, with SCS
SB 92-Riddle, with SCS	SB 204-Cierpiot, with SCS
SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 206-Arthur
SB 95-Onder, with SCS	SB 218-Luetkemeyer, with SCS
SB 96-Hoskins, with SCS	SB 227-Arthur
SB 98-Hoskins, with SCS (pending)	SB 236-Hough, with SCS
SB 100-Koenig, with SCS	SB 244-Onder
SB 105-Crawford, with SCS	SB 253-Hegeman
SB 114-Bernskoetter	SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)
SB 123-Hough, with SS & SA 2 (pending)	SB 255-Riddle
SB 131-Luetkemeyer	SB 265-Eslinger
SB 132-O'Laughlin, with SCS	SB 282-Hegeman, with SCS
SB 134-O'Laughlin and Cierpiot	SB 287-Crawford
	SB 291-Brown

SB 295-Crawford, with SCS
SB 301-Bernskoetter, with SCS & SA 1
(pending)
SB 306-Bernskoetter, with SCS
SB 313-Eigel
SB 316-Hough
SB 318-May, with SCS
SB 334-Bernskoetter
SB 343-Brown
SB 354-Hoskins, with SCS, SS for SCS, SA 1 &
point of order (pending)
SB 360-Wieland, with SCS
SB 361-Wieland
SB 369-White
SB 370-Brown
SB 372-Riddle
SB 375-Eigel
SB 383-Moon
SB 390-Luetkemeyer
SB 399-Eigel
SB 400-Onder, with SCS
SB 404-Riddle

SB 408-Wieland
SB 434-Washington
SB 437-Hoskins
SB 459-Brattin, with SCS
SB 465-Hoskins, with SCS
SB 466-Hoskins, with SCS
SB 473-Brown
SB 481-Hough, et al
SB 506-Bean
SB 529-Cierpiot
SB 547-Hoskins, with SCS
SB 561-Gannon
SB 562-Schupp
SB 577-Riddle, with SCS
SB 582-Eslinger
SB 604-Koenig, with SCS
SJR 2-Onder, with SCS
SJR 4-Koenig
SJR 7-Eigel
SJR 12-Luetkemeyer
SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS, SA 1 &
SA 2 to SA 1 (pending) (Luetkemeyer)
HCS for HB 66 (Koenig)
HCS#2 for HB 75 (Onder)
HCS for HBs 85 & 310, with SCS (Burlison)
HCS for HB 137, with SCS (Luetkemeyer)
HB 139-Hudson (Burlison)
HCS for HB 162, with SCS (Hough)
(In Fiscal Oversight)
HCS for HB 228, with SCS (O'Laughlin)
HCS for HB 242, with SCS (Burlison)
HB 249-Ruth (Wieland)
HS for HB 297 (Rehder), with SS & SA 1
(pending)
HB 299-Wallingford, with SCS (Eigel)

HCS for HB 320, with SCS (Cierpiot)
(In Fiscal Oversight)
HB 333-Simmons (Onder)
HCS for HB 334 (Schatz)
HCS for HB 350 (Rehder)
HCS for HB 369 (Bernskoetter)
HCS for HB 384, with SCS (Wieland)
HCS for HB 402 (Mosley)
SS for SCS for HS for HB 432 (White)
(In Fiscal Oversight)
HB 488-Hicks, with SCS (Burlison)
HCS for HB 508, with SCS (Bernskoetter)
HCS for HB 529, with SS for SCS, as amended
(Hoskins)
HB 530 & HCS for HB 292, with SCS (Burlison)

HB 542-Shields, with SS, as amended (Burlison)	HCS for HB 825, with SCS (Burlison)
HCS for HBs 557 & 560 (White)	HB 850-Wiemann (Eigel)
HB 578-Bromley, with SCS (Brown)	HB 911-Hill (Onder)
HB 585-Houx, with SCS (Brown)	SS for SCS for HB 948-Francis (Hoskins)
HB 624-Richey (Arthur)	(In Fiscal Oversight)
HCS for HB 649, with SCS (Bernskoetter)	HCS for HBs 1083, 1085, 1050, 1035, 1036, 873
HB 657-Trent, with SCS (Hough)	& 1097, with SS & SA 1
HB 661-Ruth (Brown)	(pending) (Bernskoetter)
HB 670-Houx (Moon)	HCS for HBs 1123 & 1221 (Koenig)
HB 687-Riley (Hough)	HCS for HJR 20, 2, 9 & 27 (Onder)
HB 701-Black (Onder)	HCS for HJR 23 & 38 (Eslinger)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 640-Morse (Bean)
HB 202-McGill (Gannon)	HB 1053-Patterson (Onder)
HB 404-Aldridge (May)	HB 296-Wallingford (White)
HB 449-Tate (Gannon)	HB 298-Wallingford (White)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 64-Rehder, with HCS, as amended	SCS for SB 403-Onder, with HCS, as amended
SS for SB 258-White, with HA 1, HA 1 to HA 2 & HA 2, as amended	

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 26-Eigel, with HCS, as amended	SS for SCS for SBs 53 & 60-Luetkemeyer, with
SB 37-Bernskoetter, with HA 1, HA 2, HA 3, HA 4, HA 5 & HA 6	HCS, as amended
	SS for SB 141-Bean, with HCS, as amended

SB 226-Koenig, with HCS, as amended
HCS for HB 271, with SS#2 for SCS, as amended
(Crawford)

HB 273-Hannegan, with SS#2 for SCS, as
amended (Riddle)

Requests to Recede or Grant Conference

SB 72-Eslinger, with HCS, as amended
(Senate requests House recede or
grant conference)
SB 303-Gannon, with HCS, as amended
(Senate requests House recede or
grant conference)

SB 330-Burlison, with HCS, as amended
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY—TUESDAY, MAY 11, 2021

The Senate met pursuant to adjournment.

Senator Bean in the Chair.

The Reverend Carl Gauck offered the following prayer:

“His word...is in my heart like a fire, shut up in my bones.” (Jeremiah 20:9)

Gracious God, Your word gives us life and guidance providing us the wherewithal we need to do our job here. May our words speak graciously with our colleagues and provide our conviction to say and do what is most necessary and needed. May we help resolve the conflict that comes from our debates and provide clarity to what is most misunderstood. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Razer offered Senate Resolution No. 389, regarding Dr. Kimberly Beatty, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 162**, with **SCS**, and **HCS** for **HB 1242**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 1204**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

PRIVILEGED MOTIONS

Senator White moved that **SS** for **SB 258**, with **HA 1**, **HA 1** to **HA 2** and **HA 2**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator White moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senators

Rehder Riddle—2

Absent with leave—Senators—None

Vacancies—None

HA 2, as amended, was taken up.

Senator White moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Rehder—1

Absent with leave—Senators—None

Vacancies—None

Senator Hough assumed the Chair.

On motion of Senator White, **SS** for **SB 258**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	White
Wieland	Williams—30					

NAYS—Senator Moon—1

Absent—Senators

Brattin	Rehder	Washington—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Onder moved that the Senate refuse to concur in **SCS** for **SB 403**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bernskoetter moved that the conferees on **SB 37**, as amended, be allowed to exceed the differences on sections 135.775, 135.755, 135.305, 135.686, 135.750, 348.436, and 620.3515, which motion prevailed.

Senator Rowden assumed the Chair.

Senator Hough assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 330**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 72**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 303**, as amended, and grants the Senate a conference thereon.

HOUSE BILLS ON THIRD READING

HCS for **HBs 557** and **560**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto sixteen new sections relating to the protection of children, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator White.

Senator White offered **SS** for **HCS** for **HBs 557** and **560**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 557 & 560

An Act to amend chapter 210, RSMo, by adding thereto sixteen new sections relating to the protection of children, with penalty provisions and an emergency clause.

Senator White moved that **SS** for **HCS** for **HBs 557** and **560** be adopted, which motion prevailed.

President Kehoe assumed the Chair.

On motion of Senator White, **SS** for **HCS** for **HBs 557** and **560** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Eslinger	Gannon
Hegeman	Hough	Koenig	Luetkemeyer	May	Mosley	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schupp	Washington
White	Williams—23					

NAYS—Senators

Brattin	Burlison	Crawford	Eigel	Hoskins	Moon	O’Laughlin
Onder	Wieland—9					

Absent—Senators

Cierpiot	Schatz—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Eslinger
Gannon	Hegeman	Hough	Koenig	Luetkemeyer	May	Mosley
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schupp
Washington	White	Williams—24				

NAYS—Senators

Brattin	Burlison	Crawford	Eigel	Hoskins	Moon	O’Laughlin
Onder	Wieland—9					

Absent—Senator Schatz—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 63**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 403**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 86**.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 86, Page 1, In the Title, Lines 2 to 3, by deleting the phrase “the use of public funds in elections” and inserting in lieu thereof the phrase “school districts”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 86, Page 1, Section 115.646, Line 15, by inserting after all of said section and line the following:

“135.715. 1. Notwithstanding any provision in section 135.713 to the contrary, the annual increase to the cumulative amount of tax credits under subsection 3 of section 135.713 shall cease when the amount of tax credits reaches fifty million dollars. The cumulative amount of tax credits that may be allocated to all taxpayers contributing to educational assistance organizations in the first year of the program shall not exceed twenty-five million dollars.

2. The state treasurer shall limit the number of educational assistance organizations that are certified to administer scholarship accounts to no more than ten such organizations in any single school year, with no more than six of such organizations having their principal place of business in:

(1) A county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants;

(2) A county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

(3) A county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants;

(4) A county with a charter form of government and with more than nine hundred fifty thousand inhabitants; or

(5) A city not within a county.

3. The state treasurer may delegate any duties assigned to the state treasurer under sections 135.712 to 135.719 and sections 166.700 to 166.720 to the Missouri empowerment scholarship accounts board, which is hereby established. The Missouri empowerment scholarship accounts board shall consist of the state treasurer, who shall serve as chair, the commissioner of the department of higher education and workforce development, the commissioner of education, the commissioner of the office of administration, one member appointed by the president pro tempore of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the governor with the advice and consent of the senate. The appointed members shall serve terms of four years or until their successors have been appointed and qualified. The board shall have all powers and duties

assigned to the state treasurer under sections 135.712 to 135.719 and sections 166.700 to 166.720 that are delegated to the board by the state treasurer. Members of the board shall not receive compensation for their service, but may receive reimbursement for necessary expenses.

4. Notwithstanding the provisions of subsection 7 of section 135.716 to the contrary, four percent of the total qualifying contributions received by each educational assistance organization per calendar year shall be deposited in the Missouri empowerment scholarship accounts fund to be used by the state treasurer for marketing and administrative expenses or the costs incurred in administering the program, whichever is less.

5. Notwithstanding the provisions of subdivision (5) of subsection 2 of section 135.712 to the contrary, the term “qualifying contribution” shall mean a donation of cash, including, but not limited to, checks drawn on a banking institution located in the continental United States in U.S. dollars (other than cashier checks, or third-party checks exceeding ten thousand dollars), money orders, payroll deductions, and electronic fund transfers. This term shall not include stocks, bonds, other marketable securities, or property.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 86, Page 1, Section 115.646, Line 15, by inserting after all of said section and line the following:

“167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121, 167.131, 167.132, and 167.895.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. (1) **For all school years ending on or before June 30, 2022**, any person who pays a school tax in any other district than that in which [he] **the person** resides may send [his] **the person’s** children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which [his] **the person’s** residence is situated may send [his] **the person’s** children to public school in any school district in which a part of such real estate, contiguous to that upon which [his] **the person’s** residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

(2) **For all school years beginning on or after July 1, 2022**, any person who owns residential real property or agricultural real property and pays a school tax in any district other than the district in which the person resides may send any of the person’s children to a public school in any district in which the person pays such school tax. The school district or public school of choice shall count a child attending under this subdivision in its average daily attendance for the purpose of distribution of state

aid through the foundation formula.

4. (1) **For all school years ending on or before June 30, 2022**, any owner of agricultural land who, [pursuant to] **under subdivision (1) of subsection 3 of this section**, has the option of sending [his] **such person's** children to the public schools of more than one district shall exercise such option as provided in this [subsection] **subdivision**. Such person shall send written notice to all school districts involved specifying to which school district [his] **the** children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of [his] **the person's** property lies. Such person shall not send any of [his] **such person's** children to the public schools of any district other than the one to which [he] **such person** has sent notice pursuant to this [subsection] **subdivision** in that school year or in which the majority of [his] **such person's** property lies without paying tuition to such school district.

(2) **For all school years beginning on or after July 1, 2022**, any owner of real property who elects to exercise the option provided in subdivision (2) of subsection 3 of this section shall exercise such option as provided in this subdivision. Such person shall send written notice to all school districts involved specifying which school district each child will attend thirty days prior to enrollment. When providing such notice, the person shall present proof of the person's payment of at least three thousand dollars of school taxes levied on the real property within such school district and ownership of the real property for no less than three years. Such proof may be determined by multiplying the school taxes paid on the most recent property tax receipt by the number of years such person has owned such real property. If a school district to which the person wishes to send a child does not receive the notification required under this subdivision, the child shall attend school in the district in which the person resides. Such person shall not send a child to the public schools of any district in which the person does not reside other than the district to which such person has sent notice under this subdivision relating to the particular child for that school year.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county [of the first classification] with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons."'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 72**, as amended. Representatives: Smith (155), Riggs, McDaniel, Collins, Aldridge.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 303**, as amended. Representatives: Henderson, Veit, Gregory (51), Ellebracht, Sauls.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 330**, as amended. Representatives: Shields, Coleman (32), Grier, Brown (27), Doll.

PRIVILEGED MOTIONS

Senator Crawford moved that the conferees on **HCS** for **HB 271**, with **SS No. 2** for **SCS**, as amended, be allowed to exceed the differences on section 67.1847, which motion prevailed.

On motion of Senator Rowden, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 303**, with **HCS**, as amended: Senators Gannon, Wieland, Bernskoetter, Beck and Roberts.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 72**, with **HCS**, as amended: Senators Eslinger, Crawford, Bernskoetter, Razer and Mosley.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 330**, with **HCS**, as amended: Senators Burlison, Riddle, Wieland, Beck and Washington.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 403**, with **HCS**, as amended: Senators Onder, Koenig, Brattin, Razer and Mosley.

HOUSE BILLS ON THIRD READING

HCS for **HB 66**, entitled:

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to aircraft taxation.

Was called from the Informal Calendar and taken up by Senator Koenig.

Senator Koenig offered **SS** for **HCS** for **HB 66**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 66

An Act to repeal sections 32.310, 67.2677, 67.2689, 137.115, 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.060, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015, RSMo, and to enact in lieu thereof twenty-five new sections relating to taxation, with penalty provisions and effective dates for certain sections.

Senator Koenig moved that **SS** for **HCS** for **HB 66** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 66, Page 13, Section 137.115, Line 1, by inserting immediately after “1.” the following: “**(1)**”; and further amend line 6 by striking “3” and inserting in lieu thereof the following: “**4**”; and further amend line 10 by inserting immediately after “year.” the following:

“Beginning January 1, 2022, the assessor shall annually assess all personal property at a percent of its true value in money as of January first of each calendar year as follows:

(2) A political subdivision shall annually reduce the percentage of true value in money at which personal property is assessed pursuant to subdivision (1) of this subsection such that the amount by which the revenue generated by taxes levied on such personal property is reduced is substantially equal to one hundred percent of the growth in revenue generated by real property assessment growth. Annual reductions shall be made pursuant to this subdivision until the percentage of true value in money at which personal property is assessed pursuant to subdivision (1) of this subsection is equal to one-thousandth of one percent.

(3) The provisions of subdivision (2) of this subsection shall not be construed to relieve a political subdivision from adjustments to property tax levies as required by section 137.073.

(4) For the purposes of subdivision (2) of this subsection, “real property assessment growth” shall mean the growth in revenue from increases in the total assessed valuation of all real property in a political subdivision over the revenue generated from the assessed valuation of such real property from the previous calendar year. Real property assessment growth shall not include any revenue in excess of the percent increase in the consumer price index, as described in subsection 2 of section 137.073.

2.”; and

Further amend said bill and section, page 14, line 14, by striking “5” and inserting in lieu thereof the following:

“6”; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Moon, Onder and Wieland.

Senator Beck offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 66, Page 1, Line 6, by inserting after “assessor” the following: **“in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants”**; and further amend line 7 by inserting immediately after “property” the following: **“in such county”**.

Senator Beck moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mosley, Razer, Schupp and Williams.

Senator Moon raised the point of order that **SA 1 to SA 1** is out of order as it contains unconstitutional provisions.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Beck, **SA 1 to SA 1** was withdrawn.

Senator Beck offered **SA 2 to SA 1**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 66, Page 1, Line 6, by inserting after “assessor” the following: **“in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants”**; and further amend line 7 by inserting immediately after “property” the following: **“in such county”**; and further amend lines 18-20 by striking all of said lines and inserting in lieu thereof the following: **“December 31, 2072. Thereafter, the percentage of true value in money at which personal property is assessed shall be equal to the percentage in effect on January 1, 2072.”**.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Eigel moved that **SA 1**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Moon offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 66, Page 73, Section 144.759, Line 110, by inserting after all of said line the following:

“146.200. 1. As used in this section, the following terms shall mean:

(1) “Endowment”, a permanent fund held by an institution of higher education that:

(a) Consists of property, cash, cash equivalents, stocks, bonds, or any other marketable security;

(b) Is used for purposes indicated by donors to such fund or for other purposes related to the mission of the institution of higher education; and

(c) Attempts to maintain and grow the principal of such fund, while annually disbursing all or part of investment earnings generated by the fund;

(2) “Qualifying institution of higher education”, an institution of higher education that:

(a) Is affiliated with, or provides medical faculty to, any abortion facility, as such term is defined in section 188.015;

(b) Offers specific medical residencies or fellowships that offer training in performing or inducing abortions; or

(c) Supports in any manner any abortion facility where abortions are performed or induced when not necessary to save the life of the mother.

2. For all tax years beginning on or after January 1, 2022, a tax is hereby imposed for every tax year on the endowment of a qualifying institution of higher education at a rate of one and nine-tenths percent of the aggregate fair market value of the assets of such endowment. Any institution that becomes a qualifying institution of higher education on or after January 1, 2022, shall remain subject to the tax imposed under this section regardless of whether such institution no longer meets the definition of a qualifying institution of higher education as defined under this section.

3. Revenues generated by the tax imposed under this section shall be deposited in the general revenue fund.

4. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

Senator Brown assumed the Chair.

Senator Onder offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 66, Page 1, Line 21, by inserting after “offer” the following: “**advanced**”; and further amend said line by inserting after “abortions” the following: “, **as such term is defined pursuant to section 188.015**”; and further amend line 23 by inserting after “abortions” the following: “, **as such term is defined pursuant to section 188.015**,”; and

Further amend said amendment, page 2, lines 29-35, by striking all of said lines and inserting in lieu thereof the following: “**market value of the assets of such endowment.**”.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Moon, **SA 2** was withdrawn, rendering **SA 1** to **SA 2** moot.

Senator Koenig moved that **SS** for **HCS** for **HB 66**, as amended, be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **HCS** for **HB 66**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **HCS** for **HB 66**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 9**.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3 and 4.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 9, Page 1, In the Title, Lines 2-3, by deleting the phrase “prisoner complaints against a psychologist’s license” and inserting in lieu thereof the phrase “the regulation of certain professionals”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Bill No. 9, Page 3, Lines 1-8, by deleting all of said lines

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 9, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“173.280. 1. As used in this section, the following terms mean:

(1) “Athlete”, an individual who participates or has participated in an intercollegiate sport for a postsecondary educational institution. “Athlete” shall not be construed to apply to an individual’s participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

(2) “Athletic association”, an entity with athletics governance authority that is composed of postsecondary educational institutions and athletic conferences;

(3) “Athletic conference”, an entity that has athletics governance authority, is a member of an athletic association, and has a membership composed of postsecondary educational institutions that compete against other postsecondary educational institutions. “Athletic conference” includes a collaboration of such entities, such as the autonomy conferences;

(4) “Certification”, the process of developing and enforcing professional and legal policies and practices;

(5) “Group”, three or more athletes from the same sport;

(6) “Group licensing”, any agreement to allow a third party the right to use the name, image, likeness rights, or athletic reputation of a group;

(7) “Postsecondary educational institution”, any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

(8) “Third party”, any individual or entity other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student’s name, image, likeness rights, or athletic reputation. Earning compensation from the use of a student’s name, image, likeness rights, or athletic reputation shall not affect the student’s grant-in-aid or stipend eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is enrolled shall not be construed to be compensation for use of the student’s name, image, likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the athlete's team contract.

(2) Any student athlete who enters into a contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation shall disclose the full contract to an official of the postsecondary educational institution, with such official to be designated by such institution. No institution or its designated official shall disclose terms of an athlete's contract that the athlete or the athlete's legal representation deems to be a trade secret or nondisclosable.

(3) An institution asserting a conflict described in subdivision (1) of this subsection shall disclose to the student athlete or the athlete's legal representation the full contract the institution asserts to be in conflict. No athlete or member of the athlete's legal representation shall disclose terms of an institution's contract that the institution deems to be a trade secret or nondisclosable.

5. No team contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and made publicly available. Such team activities shall not exceed twenty hours per week during the season and eight hours per week during the off-season.

6. (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of an athlete's name, image, likeness, or athletic reputation shall conduct a financial development program of up to fifteen hours in duration once per year for their athletes.

(2) The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

7. (1) Postsecondary educational institutions shall help distribute informational materials as needed.

(2) Postsecondary educational institutions shall inform their athletes of such meetings and provide appropriate meeting space.

8. Athlete attorney representation shall be by persons licensed by this state.

9. (1) Any athlete may bring a civil action against third parties that violate this section for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages, court costs, and reasonable attorney's fees to a prevailing plaintiff.

(2) Students and state or local prosecutors seeking to prosecute violators of this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

10. Legal settlements shall not permit noncompliance with this section.

11. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after July 1, 2022. Such agreements or contracts include, but are not limited to, the national letter

of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

12. The state of Missouri hereby requests that any federal legislation relating to this section respect and permit Missouri college athletes' rights, protections, and other provisions included in this section.”; and

Further amend said bill, Page 2, Section 337.068, Line 44, by inserting after all of said section and line the following:

“Section B. Because of the importance of financial needs of certain students of the state of Missouri, the enactment of section 173.280 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.280 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 9, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“334.506. 1. As used in this section, **the following terms mean:**

(1) “Approved health care provider” [means] , a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

(2) “Consult” or “consultation”, communication by telephone, by fax, in writing, or in person with the patient’s personally approved licensed health care provider or a licensed health care provider of the patient’s designation.

2. A physical therapist [shall not] may evaluate and initiate treatment [for a new injury or illness] on a patient without a prescription or referral from an approved health care provider, provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs [for asymptomatic persons], or provide screening or consultative services within the scope of physical therapy practice without [the] a prescription [and direction of] or referral from an approved health care provider.

4. [A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:]

(1) [Contact the patient’s current approved health care provider within seven days of initiating physical therapy services under this subsection;] A physical therapist shall refer to an approved health care

provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy.

(2) [Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;] **A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or twenty-one business days, whichever occurs first.**

(3) [Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;

(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;

(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.] **(a) A physical therapist shall consult with an approved health care provider if, after ten visits or twenty-one business days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.**

(b) The consultation with the approved health care provider shall include information concerning:

- a. The patient's condition for which physical therapy services or treatments were provided;**
- b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;**
- c. The physical therapy services or treatment provided before the date of the consultation;**
- d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;**
- e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and**
- f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.**

(c) Continued physical therapy services or treatment following the consultation with an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment every thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide

a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. [Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.] Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or

authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

- (n) Failure to timely pay license renewal fees specified in this chapter;
- (o) Violating a probation agreement with this board or any other licensing agency;
- (p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;
- (q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;
- (7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;
- (11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;
- (12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;
- (13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] **evaluating or treating a patient in a manner inconsistent with section 334.506;**

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint

on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 9, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“334.530. 1. A candidate for license to practice as a physical therapist shall furnish evidence of such person's educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board **or eligibility to graduate from such a**

program within ninety days. A candidate who presents satisfactory evidence of the person's graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. **Applicants shall meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board approved examination.** Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section **and meets the requirements established to qualify for examination.** Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licenses to practice physical therapy shall test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. No person who has failed on six or more occasions to achieve a passing score on the examination required by this section shall be eligible for licensure by examination under this section.

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall furnish evidence of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education **or eligibility to graduate from such a program within ninety days.**

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. **Applicants must meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board approved examination.** Applications for examination shall be on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section **and meets the requirements established to qualify for examination.** Each application shall

contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. No person who has failed on six or more occasions to achieve a passing score on the examination required by this section shall be eligible for licensure by examination under this section.

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in this state.

[6.] 7. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.

[7.] 8. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 734**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 403**, as amended. Representatives: Patterson, Fitzwater, Rone, Proudie, Lewis (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SS** for **SB 333**, entitled:

An Act to repeal section 394.120, RSMo, and to enact in lieu thereof three new sections relating to nonprofit organizations, with penalty provisions.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No 3, House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after all of said section and line the following:

“115.044. 1. No person shall contribute, including in-kind contributions, donate, pay, or otherwise transfer money or equipment to any election authority, as defined in section 115.015, for the purpose of conducting state or local elections in this state.

2. No person shall contribute, including in-kind contributions, donate, pay, or otherwise transfer money or equipment to any state officer, employee, department, board, or other state entity for the purpose of conducting state or local elections in this state.

3. As used in this section, the following terms mean:

(1) “Election”, any primary, general, or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters;

(2) “Person”, an individual, group of individuals, corporation, whether or not such corporation is operated for profit, partnership, committee, proprietorship, joint venture, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person’s official capacity.

115.075. Except as otherwise provided in this subchapter, all costs and expenses relating to the conduct of elections and the registration of voters in each county shall be paid from the general revenue of the county. Notwithstanding the foregoing, no costs or expenses relating to the conduct of elections and the registration of voters may be paid by or derived from persons as defined in sections 115.044.”; and

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 4, Section 407.475, Line 11, by inserting after all of said line the following:

“431.201. As used in section 431.202, unless the context otherwise requires, the following terms mean:

(1) “Business entity”, any natural person, business, corporation, limited liability company, series limited liability company, partnership, sole or other proprietorship, professional practice, or any other business organization or commercial enterprise, whether for profit or not, including, but not limited to, any successor-in-interest to a business entity who conducts business or who, directly or indirectly, owns any equity interest, ownership, or profit participation in the business entity;

(2) “Customers with whom the employee dealt”, each customer or prospective customer:

(a) Who was serviced, directly or indirectly, by an employee of a business entity;

(b) Whose business or other dealings with a business entity were supervised, coordinated, or otherwise worked on, directly or indirectly, by an employee;

(c) Who was solicited, produced, induced, persuaded, encouraged, or otherwise dealt with, directly or indirectly, by an employee;

(d) About whom an employee, directly or indirectly, obtained, had knowledge of, had access to, or is in possession of confidential business or proprietary information or trade secrets in the course of or as a result of the employee's relationship with the business entity;

(e) Who has purchased or otherwise obtained products or services from a business entity and the sale or provision of which resulted in compensation, commissions, earnings, or profits to or for the employee within two years prior to the end of the employee's employment or business relationship with the business entity; or

(f) With whom an employee had contact, directly or indirectly, of sufficient quality, frequency, and duration during the employee's employment or other business relationship with the business entity such that the employee had influence over the customer;

(3) "Employee":

(a) A natural person currently or formerly employed or retained by a business entity in any capacity, or who has performed work for a business entity, including, but not limited to, a member of a board of directors, an officer, a supervisor, an independent contractor, or a vendor;

(b) A natural person who, by reason of having been employed by or having a business relationship with a business entity:

a. Obtained specialized skills, training, learning, or abilities; or

b. Obtained, had knowledge of, had access to, or is in possession of confidential or proprietary business information or trade secrets of the business entity, including, but not limited to, customer contact information or information of or belonging to customers of the business entity; or

(c) A current or former owner or seller of all or any part of the assets of a business entity or of any interest in a business entity, including, but not limited to, all or any part of the shares of a corporation, a partnership interest, a membership or membership interest in a limited liability company or a series limited liability company, or an equity interest, ownership, profit participation, or other interest of any type in any business entity.

The definition of "employee" set forth in this subdivision shall be applicable only with respect to section 431.202 and shall have no application in any other context. The definition of "employee" is not intended, and shall not be relied upon, to create, change, or affect the employment status of any natural person or the meaning of the terms "employee", "employment", or "employer" that may be applicable in any other context or under any other provision of law.

431.202. 1. A reasonable covenant in writing promising not to solicit, recruit, hire, **induce, persuade, encourage**, or otherwise interfere with, **directly or indirectly**, the **employment or other business relationship** of one or more employees of a **business entity** shall be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if:

(1) Between two or more [corporations or other] business entities seeking to preserve workforce stability (which shall be deemed to be among the protectable interests of each [corporation or] **such** business entity) during, and for a reasonable period following, negotiations between such [corporations or] **business** entities for the acquisition of all or a part of one or more of such [corporations or] **business** entities;

(2) Between two or more [corporations or] business entities engaged in a joint venture or other legally permissible business arrangement where such covenant seeks to protect against possible misuse of confidential **business or proprietary information** or trade [secret business information] **secrets** shared or to be shared between or among such [corporations or] entities;

(3) Between [an employer] **a business entity** and one or more employees **of such business entity** seeking on the part of the [employer] **business entity** to protect:

(a) Confidential **business or proprietary information** or trade [secret business information] **secrets**;
or

(b) Customer or supplier relationships, goodwill or loyalty, which shall be deemed to be among the protectable interests of the [employer] **business entity**; or

(4) Between [an employer] **a business entity** and one or more employees **of such business entity**, notwithstanding the absence of the protectable interests described in subdivision (3) of this subsection, so long as such covenant does not continue for more than [one year] **two years** following the employee's employment **or business relationship with the business entity**; provided, however, that this subdivision shall not apply to covenants signed by employees who provide only secretarial or clerical services **and who own no shares, partnership interest, or membership or membership interest in a limited liability company or series limited liability company, or equity interest, ownership, profit participation, or other interest of any type in the business entity.**

2. Whether a covenant covered by **subsection 1** of this section is reasonable shall be determined based upon the facts and circumstances pertaining to such covenant, but a covenant covered exclusively by subdivision (3) or (4) of subsection 1 of this section shall be conclusively presumed to be reasonable if its postemployment **or postbusiness** duration is no more than [one year] **two years**.

3. A reasonable covenant in writing promising not to solicit, induce, persuade, encourage, service, accept business from, or otherwise interfere with, directly or indirectly, a business entity's customers, including, but not limited to, any reduction, termination, or transfer of any customer's business, in whole or in part, for purposes of providing any product or any service that is competitive with those provided by the business entity, shall be enforceable and not a restraint of trade under subsection 1 of section 416.031, if the covenant is limited to customers with whom the employee dealt during the employee's employment or other business relationship with the business entity, and if:

(1) The covenant is between a business entity and one or more current or former employees of the business entity and is not associated with the sale or ownership of all or any part of:

(a) The assets of a business entity; or

(b) Any interest in a business entity including, but not limited to, all or any part of the shares of a corporation, a partnership interest, a membership or membership interest in a limited liability company or series limited liability company, or an equity interest, ownership, profit participation, or other interest of any type in any business entity;

provided that, the covenant does not continue for more than two years following the end of the employee's employment or business relationship with the business entity. Notwithstanding the foregoing, this subdivision shall not apply to covenants with current or former distributors, dealers, franchisees, lessees of real or personal property, or licensees of a trademark, trade dress, or service mark;

(2) The covenant is between a business entity and a current or former distributor, dealer, franchisee, lessee of real or personal property, or licensee of a trademark, trade dress, or service mark, and is not associated with the sale or ownership of all or any part of any of the items provided in paragraph (a) or (b) of subdivision (1) of this subsection; provided that, the covenant does not continue for more than three years following the end of the business relationship; or

(3) The covenant is between a business entity and the owner or seller of all or any part of any of the items provided in paragraph (a) or (b) of subdivision (1) of this subsection, so long as the covenant does not continue for longer than five years in duration or the period of time during which payments are being made to the owner or seller as a result of any sale, measured from the date of termination, closing, or disposition of such items. A breach or threatened breach of a covenant described in this subdivision shall create a conclusive presumption of irreparable harm in the absence of an issuance of injunctive relief in connection with the enforcement of the covenant, without the necessity of establishing by prima facie evidence any actual or threatened damages or harm. Nothing in this paragraph shall be construed to change any applicable evidentiary standard or other standard necessary for obtaining temporary, preliminary, or permanent injunctive relief relating to the enforcement of covenants. A provision in writing by which an employee promises to provide prior notice to a business entity of the employee's intent to terminate, sell, or otherwise dispose of all or any part of any of the items covered by this subdivision shall be conclusively presumed to be enforceable and not a restraint of trade under subsection 1 of section 416.031, if the specified notice period is no longer than thirty days in duration and the business entity agrees in writing to pay the employee at the employee's regular rate of pay and to provide the employee with the employee's regular benefits during the applicable notice period even if the business entity does not require the employee to provide services during the notice period.

4. Whether a covenant covered by subsection 3 of this section is reasonable shall be determined based upon the facts and circumstances pertaining to the covenant, but a covenant covered by subdivisions (1) to (3) of subsection 3 of this section shall be conclusively presumed to be reasonable if the duration of its postemployment, posttermination, postbusiness relationship, postsale, or postdisposition period is consistent with the applicable duration limits set forth in subdivisions (1) to (3) of subsection 3 of this section.

5. No express reference to geographic area shall be required for a covenant described in this section to be enforceable.

6. If a covenant is overbroad, overlong, or otherwise not reasonably necessary to protect the legitimate business interests of the person seeking enforcement of the covenant, a court shall modify the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests.

7. Nothing in subdivision (3) or (4) of subsection 1 or subdivisions (1) to (3) of subsection 3 of this section is intended to create, or to affect the validity or enforceability of, [employer-employee] covenants

not to compete, **other types of covenants, or nondisclosure or confidentiality agreements, except as expressly provided in this section.**

[4.] 8. Nothing in this section shall preclude a covenant described in subsection 1 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (4) of subsection 1 of this section, **or a covenant described in subsection 3 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (3) of subsection 3 of this section,** where such covenant is reasonably necessary to protect a party's legally permissible business interests.

[5.] 9. **Except as otherwise expressly provided in this section,** nothing [is] in this section shall be construed to limit an employee's ability to seek or accept employment with another employer immediately upon, or at any time subsequent to, termination of employment, whether said termination was voluntary or nonvoluntary.

[6.] 10. This section shall have retrospective as well as prospective effect.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following

“”208.018. 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh food when purchasing fresh food at farmers' markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:

(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP benefits with an electronic benefit transfer (EBT) card; and

(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers' market or vending urban agricultural zone as defined in section 262.900 in an amount up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term “farmers' market” shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under this section shall automatically trigger matching funds reimbursement into the central farmers' market vendor accounts by the department.

4. The funding of this pilot program shall be subject to appropriation. In addition to appropriations from the general assembly, the department may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

5. The department shall promulgate rules setting forth the procedures and methods of implementing this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under and pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter

536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Under and pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall sunset automatically six years after [the effective date of this section] **August 28, 2021**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

208.285. 1. The department of agriculture shall apply for a grant under the United States Department of Agriculture's Senior Farmers' Market Nutrition Program **and apply for a grant and submit a state plan under the United States Department of Agriculture's Women, Infants and Children (WIC) Farmers' Market Nutrition Program** to provide low-income seniors **and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk** with vouchers or other approved and acceptable methods of payment including, but not limited to, electronic cards that may be used to purchase eligible foods at farmers' markets[, roadside stands, and community-supported agriculture (CSA) programs].

2. There is hereby established the "Missouri [Senior] Farmers' Market Nutrition Program" within the department of agriculture. Upon receipt of any grant moneys under subsection 1 of this section, the program shall supply Missouri-grown, fresh produce to [senior] participants through the distribution of vouchers or other approved methods of payment that may be used only at designated Missouri farmers' markets[, roadside stands, and CSA programs]. The program is designed to provide a supplemental source of fresh produce for the dietary needs of low-income seniors **and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk**; to stimulate an increased demand for Missouri-grown produce at farmers' markets[, roadside stands, and CSA programs]; and to develop new and additional farmers' markets[, roadside stands, and CSA programs].

3. Eligible seniors **and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk** shall receive [senior] farmers' market nutrition program vouchers or other approved methods of payment from designated distribution sites in their county of residence **or a neighboring county**. Upon the issuance of vouchers or other approved methods of payment, participants shall be provided with a list of participating farmers[, **and** farmers' markets[, roadside stands, and CSA programs. The department shall provide distribution site information at all county area agencies on aging].

4. For purposes of this section, "[senior] participant" means a person who is sixty years of age or older [by December thirty-first of the program year] **at the time of application** and who meets the income eligibility criteria based on guidelines published annually by the United States Department of Agriculture **or a person who participates in the women, infants and children (WIC) special supplemental nutrition program administered by the department of health and senior services**.

5. The department of agriculture and any other state department, state or local government

agency, or nonprofit entity participating in the Missouri farmers' market nutrition program shall cooperate as necessary including, but not limited to, entering into written agreements in order to effectively establish and maintain the United States Department of Agriculture's Senior Farmers' Market and the Women, Infants and Children (WIC) Farmers' Market Nutrition Programs.

6. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, [2018] **2021**, shall be invalid and void.

208.1060. The department of social services shall submit a state plan to the U.S. Department of Agriculture for a "Farm to Food Bank Project" under 7 CFR 251.10(j) and shall contract with any qualified food bank, as defined in 7 CFR 251.3(f), for the purpose of operating the project.

210.251. 1. By January 1, 1994, financial incentives shall be provided by the department"; and

Further amend said amendment and page, Line 14, by deleting said line and inserting in lieu thereof the following:

"program so long as minimum health and safety standards are met and documented.

261.450. 1. There is hereby established the "Missouri Food Security Task Force".

2. The task force shall be comprised of the following members:

(1) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority floor leader of the house of representatives;

(2) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority floor leader of the senate;

(3) The director of the department of agriculture, or the director's designee;

(4) The director of the department of economic development, or the director's designee;

(5) The director of the department of health and senior services, or the director's designee;

(6) The director of the department of social services, or the director's designee;

(7) One registered dietitian, appointed by the Missouri Academy of Nutrition and Dietetics;

(8) The commissioner of the department of elementary and secondary education, or the commissioner's designee;

(9) Two representatives from institutions of higher education located in Missouri, with knowledge or experience with hunger on college campuses, with one representative from a four-year college or university and one representative from a two-year college;

(10) One member representing a statewide association providing direct services to low-income Missourians experiences food insecurity;

(11) Two members representing advocacy organizations focused on addressing child hunger and family food insecurity;

(12) One member representing food banks located in Missouri;

(13) One member representing a business specializing in retail or direct food sales;

(14) Two members representing a community development financial institution, one with experience in food retail financing and one with experience in consumers experiencing food insecurity;

(15) Two members representing local food producers, with one representing an urban area and one representing a rural area;

(16) Two members representing statewide farmer-led or farmer-based organizations;

(17) One member representing a faith-based organization offering food security services;

(18) One member representing a nonprofit organization working in food systems to address food insecurity concerns.

3. Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the director of the department of agriculture.

4. The director of the department of agriculture shall ensure that the membership of the task force reflects the diversity of the state, with members on the task force representing urban and rural areas and various geographic regions of the state.

5. The department of agriculture shall provide technical and administrative support as required by the task force to fulfill its duties.

6. State departments shall provide relevant data as requested by the task force to fulfill its duties.

7. Members of the task force shall serve without compensation but shall receive reimbursement for actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof.

8. The task force shall hold its first meeting within two months after the effective date of this section and organize by selecting a chair and a vice chair.

9. The mission of the task force shall be to:

(1) Determine the ability of individuals located in urban and rural areas throughout the state to access healthy food and identify populations and areas in which access to food is limited or uncertain;

(2) Identify ways in which the state could connect resources and individuals in an effort to ensure food security for all Missourians;

(3) Evaluate the impact of tax increment financing projects and restrictive deed covenants imposed by grocery retailers on creating food deserts or prolonging existing food deserts;

(4) Evaluate the potential impacts of online food retail on food insecurity throughout the state; and

(5) Evaluate potential strategies to improve collaborations and efficiencies in federal and state nutrition safety net programming.

10. The task force shall report a summary of its findings and recommendations to the governor's office and the general assembly by August twenty-eighth of each year.

11. The task force shall be dissolved on December 31, 2023, unless extended until December 31, 2025, as determined necessary by the department of agriculture.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after all of said section and line the following:

“210.251. 1. By January 1, 1994, financial incentives shall be provided by the department of health and senior services through the child development block grant and other public moneys for child-care facilities wishing to upgrade their standard of care and which meet quality standards.

2. The department of health and senior services shall make federal funds available to licensed or inspected child-care centers pursuant to federal law as set forth in the Child and Adult Food Program, 42 U.S.C. 1766.

3. Notwithstanding any other provision of law, in the administration of the program for at-risk children through the Child and Adult Food Program, 42 U.S.C. 1766, this state shall not have requirements that are stricter than federal regulations for participants in such program. Child care facilities shall not be required to be licensed child care providers to participate in such federal program so long as minimum health and safety standards are met and documented.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 2, Section 105.1500, Lines 43 to 44, by deleting all of the said lines and inserting in lieu thereof the following:

“information to any person not named in the litigation;

(5) Providing any report or disclosure required by state law to be filed with the Secretary of State;
or

(6) Admitting any personal information as relevant evidence before a court of”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 1, Lines 30 and 31, by deleting all of said lines and inserting in lieu thereof the following:

“(2) “Entity”, the same meaning as in Article XIV, Section 1, of the Missouri Constitution.

9. In addition to the disclosures allowed under this section the department shall be required to provide identifying information of licensed entities, their ownership structure, and their individual owners or others with financial or controlling interest to a legislative committee upon request.”; and”; and

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after said section and line the following:

“362.034. 1. Any entity that operates as a facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri may request in writing that a state or local licensing authority or agency, including but not limited to the department of health and senior services or department of revenue, share the entity’s application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution’s state and federal supervisory agencies.

2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.

3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request pursuant to this section.

4. The recipient of any information pursuant to this section shall treat such information as confidential and use it only for the purposes described in this section.

5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity’s rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.

6. An entity that has provided a waiver pursuant to this section may withdraw the waiver with thirty days’ notice in writing.

7. Nothing in this section shall be construed to modify the requirements of chapter 610.

8. For purposes of this section, the following terms mean:

(1) “Banking institution”, the same meaning as in Article IV, Section 15 of the Missouri Constitution;

(2) “Entity”, the same meaning as in Article XIV, Section 1 of the Missouri Constitution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after all of said section and line the following:

“253.387. 1. As provided in Article III, Section 48 of the Constitution of Missouri, the department of natural resources is hereby authorized to acquire by purchase, from funds appropriated or

otherwise available to the department, or to acquire by gift, if such gift is unencumbered by any lien or mortgage, the Antioch Cemetery, a historic cemetery wherein is interred freed African-American slaves and their descendants, for the purpose of historic preservation and to inform and educate future generations to the contribution and sacrifice of freed African-American slaves and descendants to their country and to preserve for posterity this historic site located at 2300 Antioch Road, Clinton, Missouri, to be operated and maintained by the division of state parks within the department of natural resources. The cemetery is hereby designated as a state historic site.

2. In acquiring this cemetery, which may include both real and personal property, the department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property. The department may contract for maintenance of the property.

3. The attorney general shall approve the form of the instrument of conveyance.

4. Upon acquisition of the property, the department shall allow for burials to continue in the same manner as they had been conducted prior to acquisition until all burial plots have been purchased. The department shall charge no more than one hundred dollars per burial credited to the Antioch cemetery fund established in this section and shall not be liable for any additional costs associated with any burial. The department shall not be responsible for active burials.

5. (1) There is hereby created in the state treasury the "Antioch Cemetery Fund", which shall consist of gifts, bequests, and moneys donated or collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after said section and line the following:

"339.150. 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or

(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;

(b) Consented to the jurisdiction of Missouri and the commission;

(c) Consented to disciplinary procedures under section 339.100; and

(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. Notwithstanding any provision of law to the contrary, a real estate broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives compensation from a real estate broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:

(1) Solely by the licensee;

(2) By the licensee together with the licensee's spouse, but only if the spouse and licensee are both licensed and associated with the same real estate broker, or the spouse is not also licensed; or

(3) By the licensee and one or more other licensees, but only if all such owners are licensees associated with the same real estate broker.

For purposes of this subsection, the term "licensee" means any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010, and the term "business entity" means any corporation, partnership, limited partnership, limited liability company, professional corporation, or association.

347.020. The name of each limited liability company as set forth in its articles of organization:

(1) Shall contain the words "limited company" or "limited liability company" or the abbreviation "LC", "LLC", "L.C." or "L.L.C." and shall be the name under which the limited liability company transacts business in this state unless the limited liability company registers another name under which it transacts

business as provided under chapter 417 or conspicuously discloses its name as set forth in its articles of organization;

(2) May not contain the word “corporation”, “incorporated”, “limited partnership”, “limited liability partnership”, “limited liability limited partnership”, or “Ltd.” or any abbreviation of one of such words or any word or phrase which indicates or implies that it is organized for any purpose not stated in its articles of organization or that it is a governmental agency; [and]

(3) Must be distinguishable upon the records of the secretary from the name of any corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership which is licensed, organized, reserved, or registered under the laws of this state as a domestic or foreign entity, unless:

(a) Such other holder of a reserved or registered name consents to such use in writing and files appropriate documentation to the secretary to change its name to a name that is distinguishable upon the records of the secretary from the name of the applying limited liability company; or

(b) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this state is filed with the secretary; **and**

(4) For a limited liability company that has been dissolved or canceled, shall not be available for use by others for a period of one year from the effective date of the dissolution or cancellation.

347.044. 1. Each limited liability company organized pursuant to this chapter and each foreign limited liability company registered in this state shall file an information statement with the secretary of state.

2. The information statement shall include:

(1) The name of the limited liability company or foreign limited liability company;

(2) The company charter number assigned by the secretary of state;

(3) The address of the principal place of business;

(4) The address, including street and number, if any, of the registered office and the name of the registered agent at such office; and

(5) If a foreign limited liability company, the state or other jurisdiction under whose law the company is formed.

3. The information statement shall be current as of the date the statement is filed with the secretary of state.

4. The limited liability company or foreign limited liability company shall file an information statement every five years, and the information statement shall be due on the fifteenth day of the month in which the anniversary of the date the limited liability company or foreign limited liability company organized or registered in Missouri occurs. For limited liability companies and foreign limited liability companies that organized or registered in an even-numbered year before January 1, 2022, the first information statement shall be due in 2024. For limited liability companies and foreign limited liability companies that organized or registered in an odd-numbered year before January 1, 2023, the first information statement shall be due in 2025.

5. The information statement shall be signed by an authorized person.

6. If the information statement does not contain the information required under this section, the secretary of state shall promptly notify the limited liability company or foreign limited liability company and return the information statement for completion. The entity shall return the completed information statement to the secretary within sixty days of the issuance of the notice.

7. Ninety days before the statement is due, the secretary of state shall send notice to each limited liability company or foreign limited liability company that the information statement is due. The notice shall be directed to the limited liability company's registered office as stated in the company's most recent filing with the secretary of state.

347.143. 1. A limited liability company may be dissolved involuntarily by a decree of the circuit court for the county in which the registered office of the limited liability company is situated in an action filed by the attorney general when it is established that the limited liability company:

- (1) Has procured its articles of organization through fraud;
- (2) Has exceeded or abused the authority conferred upon it by law;
- (3) Has carried on, conducted, or transacted its business in a fraudulent or illegal manner; or
- (4) By the abuse of its powers contrary to the public policy of the state, has become liable to be dissolved.

2. On application by or for a member, the circuit court for the county in which the registered office of the limited liability company is located may decree dissolution of a limited liability company [whenever] **if the court determines:**

- (1) It is not reasonably practicable to carry on the business in conformity with the operating agreement;
- (2) **Dissolution is reasonably necessary for the protection of the rights or interests of the complaining members;**
- (3) **The business of the limited liability company has been abandoned;**
- (4) **The management of the limited liability company is deadlocked or subject to internal dissension; or**
- (5) **Those in control of the limited liability company have been found guilty of, or have knowingly countenanced, persistent and pervasive fraud, mismanagement, or abuse of authority.**

347.179. 1. The secretary shall charge and collect:

- (1) For filing the original articles of organization, a fee of [one hundred] **ninety-five** dollars;
- (2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of [forty-five] **twenty-five** dollars;
- (3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;
- (4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty

dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(6) For filing notice of merger or consolidation, a fee of twenty dollars;

(7) For filing a notice of winding up, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(8) For issuing a certificate of good standing, a fee of five dollars;

(9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;

(10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;

(11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;

(12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;

(13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;

(14) For filing an amended certificate of registration a fee of twenty dollars; [and]

(15) For filing a statement of correction a fee of five dollars;

(16) For filing an information statement for a domestic or foreign limited liability company, a fee of fifteen dollars or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars;

(17) For filing a withdrawal of an erroneously or accidentally filed notice of winding up or articles of termination, a fee of ninety-five dollars; and

(18) For a filing relating to a limited liability series, an additional fee of ten dollars for each series effected or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars for each series effected.

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application for reservation of a name in subdivision (11) of subsection 1 of this section shall be waived if an organizer who is listed as a member in the operating agreement of the limited liability company is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability

company having possession or control of such books and records to produce such books and records for examination on demand of the secretary or his designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or his designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or [his] **the secretary's** designated employee may be a party or called as witness, and, if the secretary or [his] **the secretary's** designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he **or she** shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or his designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; [and]

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

(5) (a) The power to administratively cancel [an] :

a. Articles of organization if the limited liability company's period of duration stated in articles of organization expires **or if the limited liability company fails to timely file its information statement;**
or

b. The registration of a foreign limited liability company if the foreign limited liability company fails to timely file its information statement.

(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the **domestic or foreign** limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent and office or to one of the limited liability company's managers or members.

(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.

(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.

(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.

(f) If a limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the articles of organization by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy to the limited liability company as provided under section 347.051.

(g) If a foreign limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the registration

of the foreign limited liability company by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy to the foreign limited liability company as provided in section 347.051. A foreign limited liability company whose registration has been administratively cancelled may continue its existence but shall not conduct any business in this state except to wind up and liquidate its business and affairs in this state; and

(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.

(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number or perpetual.

(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The applicant shall:

a. Recite the name of the limited liability company and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;

c. State that the limited liability company's name satisfies the requirements of section 347.020;

d. Be accompanied by a reinstatement fee in the amount of [one hundred] **ninety-five** dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then be due.

(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited liability company was reissued by the secretary to another entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.

(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.

(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.

[(7)]

This subdivision [(6) of this section] shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003;

(7) The power to rescind an administrative cancellation and reinstate the registration of a foreign limited liability company. The following procedures apply:

(a) A foreign limited liability company whose registration was administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The application shall:

a. State the name of the foreign limited liability company and the date of the administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, with supporting documentation satisfactory to the secretary;

c. State that the foreign limited liability company's name satisfies the requirements of section 347.020; and

d. Include a reinstatement fee in the amount of ninety-five dollars, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;

(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that includes the effective date of reinstatement and shall deliver a copy to the limited liability company as provided under section 347.051;

(c) If reinstatement is granted, the administrative cancellation shall be retroactively voided, and the foreign limited liability company may conduct its business as if the administrative cancellation never occurred;

(d) If the name of the foreign limited liability company was issued to another entity before the application for reinstatement was filed, the foreign limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the foreign limited liability company for changing its name;

(e) If the secretary denies a foreign limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and

(f) The foreign limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section; and

(8) The power to reinstate a limited liability company that erroneously or accidentally filed a notice of winding up or notice of termination. The following procedures apply:

(a) A limited liability company whose articles of organization were terminated due to an erroneously or accidentally filed notice of winding up or notice of termination may apply to the

secretary for reinstatement by filing a withdrawal of notice of winding up or withdrawal of notice of termination. The application shall:

a. State the name of the limited liability company and the filing date of the erroneous or accidental notice;

b. State the grounds for erroneously or accidentally filing the notice, with supporting documentation satisfactory to the secretary;

c. State that the limited liability company's name satisfies the requirements under section 347.020; and

d. Include a reinstatement fee in the amount of ninety-five dollars, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;

(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the notice of winding up or notice of termination and prepare a certificate of reinstatement that includes the effective notice of termination and prepare a certificate of reinstatement that includes the effective limited liability company as provided under section 347.051;

(c) If reinstatement is granted, the termination of the articles of organization shall be retroactively voided, and the limited liability company may conduct its business as if the administrative cancellation never occurred;

(d) If the name of the limited liability company was issued to another entity before the application for reinstatement was filed, the limited liability company applying for the reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the limited liability company for changing its name;

(e) If the secretary of state denies a limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and

(f) The limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section.

347.186. 1. An operating agreement may establish or provide for the establishment of a designated series of members, managers, or limited liability company interests having separate rights, powers, or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations. To the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

2. (1) Notwithstanding any other provisions of law to the contrary, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof. Such particular series shall be deemed to have possession, custody, and control only of the books, records, information, and documentation related to such series and not of the books, records, information, and documentation related to the limited liability company as a whole or any other series thereof if all of the following apply:

(a) The operating agreement creates one or more series;

(b) Separate and distinct records are maintained for or on behalf of any such series;

(c) The assets associated with any such series, whether held directly or indirectly, including through a nominee or otherwise, are accounted for separately from the other assets of the limited liability company or of any other series;

(d) The operating agreement provides for the limitations on liabilities of a series described in this subdivision;

(e) Notice of the limitation on liabilities of a series described in this subdivision is included in the limited liability company's articles of organization; and

(f) The limited liability company has filed articles of organization that separately identify each series which is to have limited liability under this section.

(2) With respect to a particular series, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations, and expenses incurred, contracted for or otherwise existing with respect to a limited liability company generally, or any other series thereof, shall be enforceable against the assets of such series, subject to the provisions of subdivision (1) of this subsection.

(3) Compliance with paragraphs (e) and (f) of subdivision (1) of this subsection shall constitute notice of such limitation of liability of a series.

(4) A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued, and otherwise conduct business and exercise the powers of a limited liability company under this chapter. The limited liability company and any of its series may elect to consolidate its operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly, or elect to be treated as a single business for the purposes of qualification or authorization to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract.

3. Except in the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability is required to contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this state.

4. (1) (a) Upon filing of articles of organization setting forth the name of each series with limited liability, in compliance with section 347.037 or amendments under section 347.041, the series' existence shall begin.

(b) Each copy of the articles of organization stamped "Filed" and marked with the filing date shall be conclusive evidence that all required conditions have been met and that the series has been or shall be legally organized and formed under this section and is notice for all purposes of all other facts required to

be set forth therein.

(c) The name of a series with limited liability under this section may be changed by filing articles of amendment with the secretary of state pursuant to section 347.041, identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member-managed series or of the managers of a manager-managed series may be changed by an amendment to the articles of organization with the secretary of state.

(d) A series with limited liability under this section may be dissolved by filing with the secretary of state articles of amendment pursuant to section 347.041 identifying the series being dissolved or by the dissolution of the limited liability company as provided in section 347.045. Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection 2 of this section shall not affect the limitation on liabilities of such series provided by subsection 2 of this section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under section 347.045.

(e) Articles of organization, amendment, or termination described under this subdivision may be executed by the limited liability company or any manager, person, or entity designated in the operating agreement for the limited liability company.

(f) Notwithstanding paragraph (d) of subdivision (1) of subsection 4 of this section, the maximum number of designated series that may be effected by any one filing shall be limited to fifty.

(2) If different from the limited liability company, the articles of organization shall list the names of the members for each series if the series is member-managed or the names of the managers if the series is manager-managed.

(3) A series of a limited liability company shall be deemed to be in good standing as long as the limited liability company is in good standing.

(4) The registered agent and registered office for the limited liability company appointed under section 347.033 shall serve as the agent and office for service of process for each series in this state.

5. (1) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers, and duties as an operating agreement may provide and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers, and duties as may from time to time be established, including rights, powers, and duties senior and subordinate to or different from existing classes and groups of members or managers associated with the series.

(2) A series may be managed either by the member or members associated with the series or by the manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(3) An operating agreement may grant to all or certain identified members or managers, or to a specified class or group of the members or managers associated with a series, the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have

no voting rights or ability to otherwise participate in the management or governance of such series, but any such member or class or group of members are owners of the series.

(4) Except as modified in this section, the provisions of this chapter which are generally applicable to limited liability companies and their managers, members, and transferees shall be applicable to each particular series with respect to the operation of such series.

(5) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(6) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series, terminate the continued membership of a member in the limited liability company, or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(7) An operating agreement may impose restrictions, duties, and obligations on members of the limited liability company or any series thereof as a matter of internal governance, including, without limitation, those with regard to:

- (a) Choice of law, forum selection, or consent to personal jurisdiction;
- (b) Capital contributions;
- (c) Restrictions on, or terms and conditions of, the transfer of membership interests;
- (d) Restrictive covenants, including noncompetition, nonsolicitation, and confidentiality provisions;
- (e) Fiduciary duties; and

(f) Restrictions, duties, or obligations to or for the benefit of the limited liability company, other series thereof, or their affiliates.

6. (1) If a limited liability company with the ability to establish series does not register to do business in a foreign jurisdiction for itself and its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(2) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers, or duties and has limited the liabilities of such series so that the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on its own behalf may register to do business in this state in accordance with this chapter. The limitation of liability shall also be stated on the application for registration. As required under section 347.153, the registration application filed shall identify each series being registered to do business in the state by the limited liability company. Unless

otherwise provided in the operating agreement, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only and not against the assets of the foreign limited liability company generally or any other series thereof, and none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

7. Nothing in sections 347.039, 347.153, or 347.186 shall be construed to alter existing Missouri statute or common law providing any cause of action for fraudulent conveyance, including but not limited to chapter 428, or any relief available under existing law that permits a challenge to limited liability.

358.460. 1. The exclusive right to the use of a name of a registered limited liability partnership or foreign registered limited liability partnership may be reserved by:

(1) Any person intending to become a registered limited liability partnership or foreign registered limited liability partnership under this chapter and to adopt that name; and

(2) Any registered limited liability partnership or foreign registered limited liability partnership which proposes to change its name.

2. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, specifying the name to be reserved and the name and address of the applicant. If the secretary of state finds that the name is available for use by a registered limited liability partnership or foreign registered limited liability partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of sixty days. A name reservation shall not exceed a period of one hundred eighty days from the date of the first name reservation application. Upon the one hundred eighty-first day the name shall cease reserve status and shall not be placed back in such status. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be cancelled by filing with the secretary of state a notice of cancellation, executed by the applicant or transferee, specifying the name reservation to be cancelled and the name and address of the applicant or transferee.

3. A fee in the amount of [twenty-five] **twenty** dollars shall be paid to the secretary of state upon receipt for filing of an application for reservation of name, an application for renewal of reservation or a notice of transfer or cancellation pursuant to this section. All moneys from the payment of this fee shall be deposited into the general revenue fund.

358.470. 1. Each registered limited liability partnership and each foreign registered limited liability partnership shall have and maintain in the state of Missouri:

(1) A registered office, which may, but need not be, a place of its business in the state of Missouri; and

(2) A registered agent for service of process on the registered limited liability partnership or foreign registered limited liability partnership, which agent may be either an individual resident of the state of Missouri whose business office is identical with the registered limited liability partnership's or foreign registered limited liability partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in the state of Missouri, having a business office identical with such registered office or the registered limited liability partnership or foreign registered limited liability partnership itself.

2. A registered agent may change the address of the registered office of the registered limited liability partnerships or foreign registered limited liability partnerships for which the agent is the registered agent to another address in the state of Missouri by paying a fee in the amount of [ten] **five** dollars[, and a further fee in the amount of two dollars] for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing with the secretary of state a certificate, executed by such registered agent, setting forth the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and further certifying to the new address to which such registered office will be changed on a given day, and at which new address such registered agent will thereafter maintain the registered office for each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office, and thereafter, or until further change of address, as authorized by law, the registered office in the state of Missouri of each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate shall be located at the new address of the registered agent thereof as given in the certificate. In the event of a change of name of any person acting as a registered agent of a registered limited liability partnership or foreign registered limited liability partnership, such registered agent shall file with the secretary of state a certificate, executed by such registered agent, setting forth the new name of such registered agent, the name of such registered agent before it was changed, the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and shall pay a fee in the amount of [twenty-five] **five** dollars[, and a further fee in the amount of two dollars] for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office. Filing a certificate under this section shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto to amend its application, renewal application or notice filed, as the case may be, pursuant to section 358.440. Any registered agent filing a certificate under this section shall promptly, upon such filing, deliver a copy of any such certificate to each registered limited liability partnership or foreign registered limited liability partnership affected thereby.

3. The registered agent of one or more registered limited liability partnerships or foreign registered limited liability partnerships may resign and appoint a successor registered agent by paying a fee in the amount of [fifty] **five** dollars[, and a further fee in the amount of two dollars] for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing a certificate with the secretary of state, stating that it resigns and the name and address of the successor registered agent. There shall be attached to such certificate a statement executed by each affected registered limited liability partnership or foreign registered limited liability partnership ratifying and approving such change of registered agent. Upon such filing, the successor registered agent shall become the registered agent of such registered limited liability partnerships or foreign registered limited

liability partnerships as have ratified and approved such substitution and the successor registered agent's address, as stated in such certificate, shall become the address of each such registered limited liability partnership's or foreign registered limited liability partnership's registered office in the state of Missouri. The secretary of state shall furnish to the successor registered agent a certified copy of the certificate of resignation. Filing of such certificate of resignation shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto, to amend its application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, pursuant to section 358.440.

4. The registered agent of a registered limited liability partnership or foreign registered limited liability partnership may resign without appointing a successor registered agent by paying a fee in the amount of [ten] **five** dollars to the secretary of state and filing a certificate with the secretary of state stating that it resigns as registered agent for the registered limited liability partnership or foreign registered limited liability partnership identified in the certificate, but such resignation shall not become effective until one hundred twenty days after the certificate is filed. There shall be attached to such certificate an affidavit of such registered agent, if an individual, or the president, a vice president or the secretary thereof if a corporation, that at least thirty days prior to and on or about the date of the filing of the certificate, notices were sent by certified or registered mail to the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent is resigning as registered agent, at the principal office thereof within or outside the state of Missouri, if known to such registered agent or, if not, to the last known address of the attorney or other individual at whose request such registered agent was appointed for such registered limited liability partnership or foreign registered limited liability partnership, of the resignation of such registered agent. After receipt of the notice of the resignation of its registered agent, the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent was acting shall obtain and designate a new registered agent, to take the place of the registered agent so resigning. If such registered limited liability partnership or foreign registered limited liability partnership fails to obtain and designate a new registered agent prior to the expiration of the period of one hundred twenty days after the filing by the registered agent of the certificate of resignation, the application, renewal application or notice filed pursuant to subsection 19 of section 358.440 of such registered limited liability partnership or foreign registered limited liability partnership shall be deemed to be cancelled.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Rowden, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

The Senate observed a moment of silence in memory of former State Senator Dan Brown.

PRIVILEGED MOTIONS

Senator Hegeman moved that the Senate refuse to concur in **SB 86**, with **HA 1**, **HA 2** and **HA 3**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon,

which motion prevailed.

Senator Burlison moved that the Senate refuse to concur in SS for **SB 333**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 520**, entitled:

An Act to repeal sections 227.299, 227.450, 227.803, 301.020, and 302.171, RSMo, and to enact in lieu thereof forty-one new sections relating to the designation of memorial infrastructure.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 2 to House Amendment No. 3, and House Amendment No. 3, as amended.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 2, Section 143.1032, Line 6, by inserting after the word “**fund.**” the following:

“The Missouri Medal of Honor Recipients Fund is hereby created, and the state treasurer shall be the custodian of the fund and shall make disbursements from the fund. All monies shall be received by the department of revenue and either upon request, or at a minimum on a monthly basis, be transferred to the department of transportation.”; and

Further amend said bill, page, and section, Line 15, by inserting at the end of said line the following:

“The department of revenue shall establish a separate funding account for the moneys collected for the Missouri Medal of Honor Recipients Fund.”; and

Further amend said bill, page, an section, Lines 27-29, by deleting all of said lines and inserting in lieu thereof the following:

“5. Moneys deposited in the Missouri Medal of Honor Recipients Fund shall be transferred to the department of transportation by the department of revenue to pay for the costs of the Missouri Medal of Honor memorial bridge or highway signs. The Missouri Medal of Honor Recipients Fund shall be used to pay any renewal fee for a memorial bridge or highway sign for Missouri Medal of Honor recipients, regardless if originally paid for by private donations. The department of revenue shall provide notification by way of memo, to the department of transportation informing the department of transportation of the payment transfer to the credit of the state road fund, with the memo indicating the payment amount, payment date, payment account number, and the list of Missouri Medal of Honor recipient or recipients on whose behalf the payment is made.”; and

Further amend said bill, Page 4, Section 227.299, Line 43, by inserting after the word “**with**” the words “**the construction, maintenance, and installation of signs for**”; and

Further amend said bill, Page 8, Section 227.807, Lines 1-3, by deleting all of said section and lines

from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 1, Line 8, by deleting all of said line and inserting in lieu thereof the following:

“designating such bridge, with the costs to be paid by private donations.

Section 2. The portion of State Highway 43 from State Highway U continuing to State Highway C in Newton County shall be designated as “Firefighter Tyler H Casey Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 15, Section 302.171, Line 127, by inserting after all of said section and line and inserting the following:

“Section 1. The bridge on State Highway 34, also known as South Main Street, crossing over the Makenzie Creek in Wayne County shall be designated as “WW II POW Alex Cortez Memorial Bridge”. The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 1, Line 8, by inserting after all of said line the following:

“Further amend said bill, Page 15, Section 302.171, Line 127, by inserting the following:

“Section 1. That portion of Interstate 64 between Jefferson Avenue and Tucker Boulevard located in the City of Saint Louis shall be designated as “Bobby Plager Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 7, Section 227.775, Line 4, by inserting after all of said section and line the following:

“227.776. The portion of Interstate 55 from State Highway AB to Hopper Road within the city of Cape Girardeau in Cape Girardeau County shall be designated as “Rush Limbaugh Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Riddle moved that the Senate refuse to concur in **SB 9**, with **HA 1**, **HA 1** to **HA 2**, **HA 2**, as amended, **HA 3** and **HA 4**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon and allow the conferees to exceed the differences in section 173.280, which motion prevailed.

Senator Cierpiot moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 734**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences in section 137.123, which motion prevailed.

Senator Roberts moved that the Senate refuse to concur in **SCS** for **SB 520**, with **HS** for **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 369**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to liability for prescribed burns.

Was called from the Informal Calendar and taken up by Senator Bernskoetter.

Senator Bernskoetter offered **SS** for **HCS** for **HB 369**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 369

An Act to repeal sections 270.170, 270.180, 270.260, 270.270, 270.400, 537.346, and 537.347, RSMo, and to enact in lieu thereof ten new sections relating to land management, with penalty provisions.

Senator Bernskoetter moved that **SS** for **HCS** for **HB 369** be adopted.

Senator Bean assumed the Chair.

Senator Bernskoetter offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 369, Page 8, Section 270.400, Line 88, by inserting after all of said line the following:

“316.250. 1. This section shall be known and may be cited as “Ethan’s Law”.

2. Every owner of a for-profit private swimming pool or facility shall maintain adequate insurance

coverage in an amount of not less than one million dollars per occurrence for any liability incurred in the event of injury or death of a patron to such swimming pool or facility, including any liability incurred under paragraph [(b)] (a) of subdivision (3) of section 537.348. Such owners shall be required to register with the department of public safety and provide proof of such insurance coverage at the time of registration and when requested by any state or local governmental agency responsible for the enforcement of this section.

3. As used in this section, the following terms shall mean:

(1) “Owner”, the owner of the land, including but not limited to a lessee, tenant, mortgagee in possession and the person in charge of the land on which a swimming pool is located;

(2) “Swimming pool or facility”, any for-profit privately owned tank or body of water with a capacity of less than five hundred patrons which charges a fee per admission and is used and maintained for swimming or bathing purposes which has a maximum depth of greater than twenty-four inches. “Swimming pool or facility” shall include, but not be limited to, a swimming pool on lands in connection with the operation of any type of for-profit privately owned amusement or recreational park. “Swimming pool or facility” does not include a swimming pool or facility owned by a hotel, motel, public or governmental body, agency, or authority, a naturally occurring body of water or stream, or a body of water established by a person or persons and used for watering livestock, irrigation, or storm water management.

4. Any owner who violates the provisions of this section shall not be permitted to remain in operation until such owner meets the requirements of this section. Any such owner who allows operation of a swimming pool or facility in violation of this section shall be subject to a civil penalty of two hundred fifty dollars per day for each day of continued violation up to a maximum of ten thousand dollars and may be subject to liability for the costs incurred by the state or a political subdivision for enforcing the provisions of this section. In a separate court action, the attorney general may seek reimbursement on behalf of the state and a political subdivision may seek reimbursement on behalf of the political subdivision for costs incurred as a result of enforcing the provisions of this section. For purposes of this section, “each day of the violation” means each day that the swimming pool is operational and open for business and remains in violation of this section. It shall not include days that the swimming pool is not operational and open for business.

5. In addition, any owner who intentionally violates the provisions of this section is guilty of a class A misdemeanor. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

6. The department of public safety shall implement and, with the assistance of local law enforcement agencies, enforce the provisions of this section.

7. An insurance company providing insurance coverage under this section shall notify the department of public safety if any owner of a swimming pool or facility as defined in this section terminates, cancels, or fails to renew such coverage. The department may utilize local law enforcement agencies to enforce the provisions of this section.

537.328. 1. As used in this section, the following terms mean:

(1) “Camping”, all aspects of visiting, staying at, using, and leaving a private campground, including lodging of all types;

(2) “Inherent risks of camping”, those dangers, hazards, or conditions that are an integral part of camping including, but not limited to, the following:

(a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;

(b) Uneven and unpredictable terrain;

(c) Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

(d) A lack of lighting, including lighting at campsites;

(e) Campfires contained in or outside a fire pit or an enclosure provided by the private campground, bonfires, grass or brush fires, wildfires, and forest fires;

(f) Weather and weather-related events;

(g) Insects, birds, and other wildlife;

(h) Animals of other campers or visitors that cause injury, unless the private campground owner or an employee or officer of the private campground owner has accepted responsibility for care of the animal;

(i) A violation of safety rules or a disregard for signs or other methods of communicating warnings;

(j) Another camper or visitor at the private campground acting in a negligent manner, if the private campground owner or an employee or officer of the private campground owner is not involved;

(k) Actions by a camper or visitor that exceed his or her physical limitations or abilities;

(l) Actions by a camper or visitor involving climbing, rappeling, caving, mountaineering, or any other related activity;

(m) Damage caused by fireworks from a camper, visitor, or offsite entity not authorized by the private campground owner or employee or officer of a private campground owner; and

(n) Any person coming onto the campsite not reported to the private campground owner or an employee or officer of the private campground owner;

(3) “Private campground”, any parcel or tract of land, including buildings and other structures, that is owned or operated by a private property owner where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term “private campground” shall also include recreational vehicle parks.

2. Except as provided in subsection 4 of this section, a private campground owner or an employee or officer of a private campground owner shall not be liable for acts or omissions related to camping at a private campground if a person is injured or killed or property is damaged as a result of an inherent risk of camping.

3. This section shall not apply to any employer-employee relationship governed by the provisions of chapter 287.

4. The provisions of subsection 2 of this section shall not prevent or limit liability of a private campground owner or an employee or officer of a private campground owner who:

(1) Intentionally causes the injury, death, or property damage;

(2) Acts with a willful or wanton disregard for the safety of the person or property damaged. As used in this subdivision, “willful and wanton” means conduct committed with an intentional or reckless disregard for the safety of others;

(3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or

(4) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to the owner of the private campground, or his or her employees or officers, on the property that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of if the owner, employee, or officer is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury. Such warning signs shall appear in black letters on a white background with each letter to be a minimum of one inch in height.

5. Every written contract entered into by a private campground owner or an employee or officer of a private campground owner shall contain, in clearly readable print, the warning notice specified in this subsection. The signs described in subdivision (4) of subsection 4 of this section and contracts described in this subsection shall contain the following warning notice:

“WARNING

Under Missouri law, a private campground owner or an employee or officer of a private campground owner is not liable for an injury to or the death of a person or any property damage resulting from the inherent risks of camping under the Revised Statutes of Missouri.”; and

Further amend said bill, page 9, section 537.347, line 20, by inserting after all of said line the following:

“537.348. Nothing in this act shall be construed to create liability, but it does not limit liability that otherwise would be incurred by those who use the land of others, or by owners of land for:

(1) Malicious or grossly negligent failure to guard or warn against a dangerous condition, structure, personal property which the owner knew or should have known to be dangerous, or negligent failure to guard or warn against an ultrahazardous condition which the owner knew or should have known to be dangerous;

(2) Injury suffered by a person who has paid a charge for entry to the land; or

(3) Injuries occurring on or in:

(a) [Any land within the corporate boundaries of any city, municipality, town, or village in this state;

(b)] Any swimming pool. “Swimming pool” means a pool or tank, especially an artificial pool or tank, intended and adapted for swimming and held out as a swimming pool;

[(c)] (b) Any residential area. “Residential area” as used [herein] **in this section** means [a tract of land of one acre or less predominately used for residential purposes, or a tract of land of any size used for multifamily residential services] **land used for residential purposes in an area in which housing**

predominates, as opposed to industrial and commercial areas, and any land used for farming or agricultural purposes; or

[(d)] (c) Any noncovered land. "Noncovered land" as used [herein] **in this section** means any portion of any land, the surface of which portion is actually used primarily for commercial, industrial, mining or manufacturing purposes; provided, however, that use of any portion of any land primarily for agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related uses or purposes shall not under any circumstances be deemed to be use of such portion for commercial, industrial, mining or manufacturing purposes."; and

Further amend the title and enacting clause accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Bernskoetter moved that **SS** for **HCS** for **HB 369**, as amended, be adopted, which motion prevailed.

On motion of Senator Bernskoetter, **SS** for **HCS** for **HB 369**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators

Moon Roberts—2

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HB 661, introduced by Representative Ruth, entitled:

An Act to repeal sections 301.010, 301.192, 301.280, 302.755, 307.128, 407.526, and 407.556, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Hough.

Senator Hough offered **SS** for **HB 661**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 661

An Act to repeal sections 21.795, 300.010, 301.010, 301.062, 301.147, 301.192, 301.280, 301.558, 302.010, 302.341, 302.755, 303.020, 304.001, 304.153, 304.180, 304.240, 307.025, 307.128, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 385.220, 385.320, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, and 643.315, RSMo, and to enact in lieu thereof forty-five new sections relating to transportation, with penalty provisions and an emergency clause for certain sections.

Senator Hough moved that **SS** for **HB 661** be adopted.

Senator Hough offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 661, Page 8, Section 43.253, Line 16, by inserting after all of said line the following:

“142.869. 1. **(1)** The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section, provided that sales made to alternative fueled vehicles powered by propane, compressed natural gas, or liquefied natural gas that do not meet the requirements of subsection 3 of this section shall be taxed exclusively pursuant to subdivisions (4) to (7) of subsection 1 of section 142.803, respectively. The owners or operators of such motor vehicles, except plug-in electric hybrids, shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Owners or operators of plug-in electric hybrids shall pay one-half of the stated annual alternative fuel decal fee. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section. For the purposes of this section, a plug-in electric hybrid shall be any hybrid vehicle made by a manufacturer with a model year of 2018 or newer, that has not been modified from the original manufacturer specifications, with an internal combustion engine and batteries that can be recharged by connecting a plug to an electric power source.

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, the director shall provide owners of vehicles required to purchase an alternative fuel decal under subdivision (1) of this subsection, the option of purchasing a biennial alternative fuel decal for a fee of twice the annual alternative fuel decal fee stated in subdivision (1) of this subsection.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel other than propane, compressed natural gas, and liquefied natural gas, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate. Owners or operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016, that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.

4. An owner or operator of a motor vehicle powered by propane may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivision (6) of subsection 1 of section 142.803. If the appropriate motor fuel tax under subdivision (6) of subsection 1 of section 142.803 is collected at the time of fueling, an operator of a propane fueling station that uses quick-connect fueling nozzles may sell propane as a motor fuel without verifying the application of a valid Missouri alternative fuel decal. If an owner or operator of a motor vehicle powered by propane that bears an alternative fuel decal refuels at an unattended propane refueling station, such owner or operator shall not be eligible for a refund of the motor fuel tax paid at such refueling.

5. The director shall annually **or biennially**, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual **or biennial** decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, **or a fractional period of such year and a whole year**, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year. This subsection shall not apply to an owner or operator of a motor vehicle powered by propane who fuels such vehicle exclusively at unattended fueling stations that collect the motor fuel tax.

6. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal,

which shall be valid for the current calendar year, **or the current calendar year and the subsequent calendar year in the case of a biennial alternative fuel decal**, and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

7. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

8. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal unless the motor vehicle is exclusively fueled at propane, compressed natural gas, or liquefied natural gas fueling stations that collect the motor fuel tax.

9. No person shall cause to be put, or put, any alternative fuel into the fuel supply receptacle or battery of a motor vehicle required to have an alternative fuel decal unless the motor vehicle either has a valid decal attached to it or the appropriate motor fuel tax is collected at the time of such fueling.

10. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

11. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Eslinger offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 661, Page 64, Section 304.001, Line 93, by inserting after all of said line the following:

“304.050. 1. **(1)** The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

(2) School buses under the provisions of subsections 1, 2, 5, 6, 7, 8, and 9 of this section shall include Head Start buses that have been certified by the Missouri highway patrol as meeting the provisions of section 307.375, are operated by a holder of a valid school bus endorsed commercial driver’s license, and who meet the equivalent medical requirements prescribed in section 162.604, and which are transporting Head Start students to and from Head Start.

2. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words “school bus” in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: “State Law: Stop while bus is loading and unloading”. Each school bus subject to the provisions of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling device approved by the state board of education, which

will display a signal plainly visible from the front and rear and indicating intention to stop.

3. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped no later than August 1, 1998, with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five feet six inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in subsection 2 of this section. This subsection may be cited as “Jessica’s Law” in commemoration of Jessica Leicht and all other Missouri schoolchildren who have been injured or killed during the operation of a school bus.

4. Except as otherwise provided in this section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the state board of education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district shall have the authority pursuant to this section to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution.

5. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty miles per hour and at least three hundred feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

[5.] 6. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

[6.] 7. The driver of any school bus driving upon the highways of this state after loading or unloading school children, shall remain stopped if the bus is followed by three or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so.

[7.] 8. If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted

and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.

[8.] 9. Notwithstanding the provisions in section 301.130, every school bus shall be required to have two license plates.”; and

Further amend the title and enacting clause accordingly.

Senator Eslinger moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 661, Page 1, In the Title, Line 10, by striking “and” and inserting in lieu thereof the following: “,”; and further amend line 11 by inserting after “sections” the following: “, and a delayed effective date for a certain section”; and

Further amend said bill, page 61, Section 303.020, line 69, by inserting after all of said line the following:

“303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident’s state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person’s operation of the other’s vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation, **provided that such motor vehicle shall not be further operated until the owner or nonresident provides proof of financial responsibility and payment of a twenty-five dollar fee to the department of revenue, and further provided that operation of a motor vehicle during a period of inoperability or storage claimed under this subsection shall be a class B misdemeanor and may additionally constitute a violation of this subsection. Notwithstanding any provision of law to the contrary, the department of revenue may verify motor vehicle financial responsibility as provided by law, but shall not otherwise take legal or administrative action to enforce the requirements of this section unless, in the discretion of the director, the motor vehicle is determined to have been operated in violation of this section, a motor vehicle registration is applied for in violation of this section, or the motor vehicle on two separate occasions thirty days apart is determined to have its registration maintained in violation of this section.** The director may prescribe rules and regulations for the

implementation of this section.

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the owner's financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence.

3. Any person who violates this section is guilty of a misdemeanor. A first violation of this section shall be punishable as a class D misdemeanor. A second or subsequent violation of this section [shall] **may be [punishable] punished** by imprisonment in the county jail for a term not to exceed fifteen days [and/or] **and shall be punished by a fine not less than two hundred dollars but** not to exceed five hundred dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points;

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, in a manner approved by the director of the department of public safety. The director shall establish procedures for the record keeping and administration of this section; or

(4) For a nonresident, suspend the nonresident's driving privileges in this state in accordance with section 303.030 and notify the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides in accordance with section 303.080.

4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of commerce and insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

6. Any fines owed to the state pursuant to this section may be eligible for payment in installments. The director shall promulgate rules for the application of payment plans, which shall take into account individuals' ability to pay.

303.041. 1. **Except as otherwise provided in subsection 7 of section 303.425,** if the director

determines [that as a result of a verification sample or accident report that the owner of a motor vehicle has not maintained financial responsibility, or if the director determines as a result of an order of supervision] that the **owner or** operator of a motor vehicle has not maintained the financial responsibility as required in this chapter, the director shall thirty-three days after mailing notice, suspend the driving privilege of the owner or operator and/or the registration of the vehicle failing to meet such requirement. The notice of suspension shall be mailed to the person at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing.

2. **Except as otherwise provided by law**, neither the fact that subsequent to the date of verification or conviction, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle, shall have any bearing upon the director's decision to suspend. Until it is terminated, the suspension shall remain in force after the registration is renewed or a new registration is acquired for the motor vehicle. The suspension also shall apply to any motor vehicle to which the owner transfers the registration. Effective January 1, 2000, the department shall not extend any suspension for failure to pay a delinquent late surrender fee pursuant to this subsection.

303.420. 1. As used in sections 303.420 to 303.440, unless the context requires otherwise, the following terms shall mean:

(1) **"Law enforcement agency"**, the department of revenue, the Missouri state highway patrol, the prosecuting attorney or sheriff's office of any county or city not within a county, the chiefs of police of any city or municipality, or any other authorized law enforcement agency recognized by the state;

(2) **"Program"**, the motor vehicle financial responsibility enforcement and compliance incentive program established under section 303.425;

(3) **"System" or "verification system"**, the web-based resource established under section 303.430 for online verification of motor vehicle financial responsibility.

303.422. 1. There is hereby created in the state treasury the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund", which shall consist of money collected under sections 303.420 to 303.440. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the administration of sections 303.420 to 303.440.

2. **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

3. **The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

303.425. 1. There is hereby created within the department of revenue the motor vehicle financial responsibility enforcement and compliance incentive program. The department of revenue may enter into contractual agreements with third-party vendors to facilitate the necessary technology and

equipment, maintenance thereof, and associated program management services. The department of revenue or its third-party vendor shall utilize technology to compare vehicle registration information with the financial responsibility information accessible through the system. The department of revenue shall utilize this information to identify motorists who are in violation of the motor vehicle financial responsibility law. All fees paid to or collected by such third-party vendors may come from violator diversion fees generated by the pretrial diversion option established under this section. The department of revenue may offer offenders under this program the option of pretrial diversion as an alternative to statutory fines or reinstatement fees prescribed under the motor vehicle financial responsibility law as a method of encouraging compliance and discouraging recidivism.

2. The department of revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for the investigation, detection, analysis, and enforcement of the motor vehicle financial responsibility law.

3. The department of revenue may authorize traffic enforcement officers or third-party vendors to administer the processing and issuance of notices of violation, and the collection of fees for a violation of the motor vehicle financial responsibility law, under the program.

4. Access to the system shall be restricted to authorized law enforcement agency users in the program, the department of revenue, and the third-party vendors with which the department of revenue contracts for purposes of the program, provided that any third-party vendor with which a contract is executed to provide necessary technology, equipment, or maintenance for the program shall be authorized as necessary to collaborate for required updates and maintenance of system software.

5. For purposes of the program, any data collected and matched to a corresponding vehicle insurance record as verified through the system, and any Missouri vehicle registration database, may be used to identify violations of the motor vehicle financial responsibility law. Such images and corresponding data shall constitute evidence of the violations.

6. Except as otherwise provided in this section, the department of revenue shall suspend, in accordance with section 303.041, the registration of any motor vehicle that is determined under the program to be in violation of the motor vehicle financial responsibility law.

7. The department of revenue shall send to an owner whose vehicle is identified under the program as being in violation of the motor vehicle financial responsibility law a notice that the vehicle's registration may be suspended unless the owner, within thirty days, provides proof of financial responsibility for the vehicle or proof, in a form specified by the department of revenue, that the owner has a pending criminal charge for a violation of the motor vehicle financial responsibility law. The notice shall include information on steps an individual may take to obtain proof of financial responsibility and a web address to a page on the department of revenue's website where information on obtaining proof of financial responsibility shall be provided. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the department of revenue shall provide a notice of suspension and suspend the vehicle's registration in accordance with section 303.041, or shall send a notice of vehicle registration suspension, clearly specifying the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the vehicle owner to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made, as well as informing the owner that the matter will be referred

for prosecution if a satisfactory response is not received in the time allotted, informing the owner that the minimum penalty for the violation is three hundred dollars and four license points, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under sections 303.420 to 303.440. The notice of vehicle registration suspension shall give a period of thirty-three days from mailing for the vehicle owner to respond, and shall be deemed received three days after mailing. If no request for a hearing or agreement to participate in the diversion option is received by the department of revenue prior to the date provided on the notice of vehicle registration suspension, the director shall suspend the vehicle's registration, effective immediately, and refer the case to the appropriate prosecuting attorney. If an agreement by the vehicle owner to participate in the diversion option is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then upon payment of a diversion participation fee not to exceed two hundred dollars, agreement to secure proof of financial responsibility within the time provided on the notice of suspension, and agreement that such financial responsibility shall be maintained for a minimum of two years, no points shall be assessed to the vehicle owner's driver's license under section 302.302 and the department of revenue shall not take further action against the vehicle owner under sections 303.420 to 303.440, subject to compliance with the terms of the pretrial diversion option. The department of revenue shall suspend the vehicle registration of, and shall refer the case to the appropriate prosecuting attorney for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option. If a request for hearing is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then for all purposes other than eligibility for participation in the diversion option, the effective date of the suspension shall be stayed until a final order is issued following the hearing. The department of revenue shall suspend the registration of vehicles determined under the final order to have violated the motor vehicle financial responsibility law, and shall refer the case to the appropriate prosecuting attorney for prosecution. Notices under this subsection shall be mailed to the vehicle owner at the last known address shown on the department of revenue's records. The department of revenue or its third-party vendor shall issue receipts for the collection of diversion participation fees. All such fees received by the department of revenue or its third-party vendor shall be deposited into the motor vehicle financial responsibility verification and enforcement fund established in section 303.422. A vehicle owner whose registration has been suspended under sections 303.420 to 303.440 may obtain reinstatement of the registration upon providing proof of financial responsibility and payment to the department of revenue of a nonrefundable reinstatement fee equal to the fee that would be applicable under subsection 2 of section 303.042 if the registration had been suspended under section 303.041.

8. Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of the motor vehicle financial responsibility law. Data collected and stored by law enforcement under the program shall be considered evidence if noncompliance with the motor vehicle financial responsibility law is confirmed. The evidence, and an affidavit stating that the evidence and system have identified a particular vehicle as being in violation of the motor vehicle financial responsibility law, shall constitute probable cause for prosecution and shall be forwarded in accordance with subsection 7 of this section to the appropriate prosecuting attorney.

9. Owners of vehicles identified under the program as being in violation of the motor vehicle financial responsibility law shall be provided with options for disputing such claims which do not require appearance at any state or local court of law, or administrative facility. Any person who

presents timely proof that he or she was in compliance with the motor vehicle financial responsibility law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Proof provided by a vehicle owner to the department of revenue that the vehicle was in compliance at the time of the suspected violation of the motor vehicle financial responsibility law shall be recorded in the system established by the department of revenue under section 303.430.

10. The collection of data or use of any technology pursuant to this section shall be done in a manner that prohibits any bias towards a specific community, race, gender, or socioeconomic status of vehicle owner.

11. Law enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized in this section. All data shall be secured and any third-party vendor may be liable for any data security breach.

12. The department of revenue shall not take action under sections 303.420 to 303.440 against vehicles registered as fleet vehicles under section 301.032, or against vehicles known to the department of revenue to be insured under a policy of commercial auto coverage, as such term is defined in subdivision (10) of subsection 2 of section 303.430.

13. Following one year after the implementation of the program, and every year thereafter, the department of revenue shall provide a report to the president pro tempore of the senate, the speaker of the house of representatives, the chairs of the house and senate committees with jurisdictions over insurance or transportation matters, and the chairs of the house budget and senate appropriations committees. The report shall include an evaluation of program operations, information as to the costs of the program incurred by the department of revenue, insurers, and the public, information as to the effectiveness of the program in reducing the number of uninsured motor vehicles, and anonymized demographic information including the race and zip code of vehicle owners identified under the program as being in violation of the motor vehicle financial responsibility law, and may include any additional information and recommendations for improvement of the program deemed appropriate by the department of revenue. The department of revenue may, by rule, require the state, counties, and municipalities to provide information in order to complete the report.

303.430. 1. The department of revenue shall establish and maintain a web-based system for the verification of motor vehicle financial responsibility, shall provide access to insurance reporting data and vehicle registration and financial responsibility data, and shall require motor vehicle insurers to establish functionality for the verification system, as provided in sections 303.420 to 303.440. The verification system, including any exceptions as provided for in sections 303.420 to 303.440 or in the implementation guide developed to support the program, shall supersede any existing verification system, and shall be the sole system used for the purpose of verifying financial responsibility required under this chapter.

2. The system established pursuant to subsection 1 of this section shall be subject to the following:

(1) The verification system shall transmit requests to insurers for verification of motor vehicle insurance coverage via web services established by the insurers through the internet in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration, or "IICMVA". Insurance company systems shall respond to each request with a prescribed response upon evaluation of the data provided in the request. The system shall include

appropriate protections to secure its data against unauthorized access, and the department of revenue shall maintain a historical record of the system data for a period of no more than twelve months from the date of all requests and responses. The system shall be used for verification of the financial responsibility required under this chapter. The system shall be accessible to authorized personnel of the department of revenue, the courts, law enforcement personnel, and other entities authorized by the state as permitted by state or federal privacy laws, and it shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the department of revenue to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA recommendations, specifications, and standards by using the following data elements for greater matching accuracy: insurer National Association of Insurance Commissioners, or “NAIC”, company code; vehicle identification number; policy number; verification date; or as otherwise described in the specifications and standards of the IICMVA. The department of revenue shall promulgate rules to offer insurers who insure one thousand or fewer vehicles within this state an alternative method for verifying motor vehicle insurance coverage in lieu of web services, and to provide for the verification of financial responsibility when financial responsibility is proven to the department to be maintained by means other than a policy of motor vehicle insurance. Insurers shall not be required to verify insurance coverage for vehicles registered in other jurisdictions;

(2) The verification system shall respond to each request within a time period established by the department of revenue. An insurer’s system shall respond within the time period prescribed by the IICMVA’s specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the department of revenue. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when systems are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside its control;

(3) The system shall assist in identifying violations of the motor vehicle financial responsibility law in the most effective way possible. Responses to individual insurance verification requests shall have no bearing on whether insurance coverage is determined to be in force at the time of a claim. Claims shall be individually investigated to determine the existence of coverage. Nothing in sections 303.420 to 303.440 shall prohibit the department of revenue from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states to assist in establishing and maintaining this verification system;

(4) The department of revenue shall consult with representatives of the insurance industry and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishment of an advisory council. The advisory council shall consist of voting members comprised of:

(a) The director of the department of commerce and insurance, or his or her designee, who shall serve as chair;

(b) Two representatives of the department of revenue, to be appointed by the director of the department of revenue;

(c) One representative of the department of commerce and insurance, to be appointed by the director of the department of commerce and insurance;

(d) Three representatives of insurance companies, to be appointed by the director of the department of commerce and insurance;

(e) One representative from the Missouri Insurance Coalition;

(f) One representative chosen by the National Association of Mutual Insurance Companies;

(g) One representative chosen by the American Property and Casualty Insurance Association;

(h) One representative chosen by the Missouri Independent Agents Association; and

(i) Such other representatives as may be appointed by the director of the department of commerce and insurance;

(5) The department of revenue shall publish for comment, and then issue, a detailed implementation guide for its online verification system;

(6) The department of revenue and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system;

(7) If the department of revenue has reason to believe a vehicle owner does not maintain financial responsibility as required under this chapter, it may also request an insurer to verify the existence of such financial responsibility in a form approved by the department of revenue. In addition, insurers shall cooperate with the department of revenue in establishing and maintaining the verification system established under this section, and shall provide motor vehicle insurance policy status information as provided in the rules promulgated by the department of revenue;

(8) Every property and casualty insurance company licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with sections 303.420 to 303.440, and corresponding rules promulgated by the department of revenue, for the verification of such insurance for every vehicle insured by that company in this state;

(9) Insurers shall maintain a historical record of insurance data for a minimum period of six months from the date of policy inception or policy change for the purpose of historical verification inquiries;

(10) For the purposes of this section, “commercial auto coverage” shall mean any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial coverage form and rated from a commercial manual approved by the department of commerce and insurance. Sections 303.420 to 303.440 shall not apply to vehicles insured under commercial auto coverage; however, insurers of such vehicles may participate on a voluntary basis, and vehicle owners may provide proof at or subsequent to the time of vehicle registration that a vehicle is insured under commercial auto coverage, which the department of revenue shall record in the system;

(11) Insurers shall provide commercial or fleet automobile customers with evidence reflecting that the vehicle is insured under a commercial or fleet automobile liability policy. Sufficient evidence shall include an insurance identification card clearly marked with a suitable identifier such as “commercial auto insurance identification card”, “fleet auto insurance identification card”, or other clear identification that the vehicle is insured under a fleet or commercial policy;

(12) Insurers shall be immune from civil and administrative liability for good faith efforts to comply with the terms of sections 303.420 to 303.440;

(13) Nothing in this section shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system required under sections 303.420 to 303.440.

3. The department of revenue shall promulgate rules as necessary for the implementation of sections 303.420 to 303.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

303.440. The verification system established under section 303.430 shall be installed and fully operational by January 1, 2023, following an appropriate testing or pilot period of not less than nine months. Until the successful completion of the testing or pilot period in the judgment of the director of the department of revenue, no enforcement action shall be taken based on the system, including but not limited to action taken under the program established under section 303.425.”; and

Further amend said bill, page 116, Section B, line 12, by inserting after all of said line the following:

“Section C. The repeal and reenactment of section 303.025 of this act shall become effective on January 1, 2023.”; and

Further amend the title and enacting clause accordingly.

Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Mosley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 661, Page 38, Section 301.062, Line 17, by inserting after all of said line the following:

“301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a collector’s item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be cancelled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. [Historic vehicles may be driven to and from repair facilities one hundred miles from the vehicle’s location, and in addition may be driven up to one thousand miles per year for personal use. The owner of

the historic vehicle shall be responsible for keeping a log of the miles driven for personal use each calendar year. Such log must be kept in the historic vehicle when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique auto tour or event and mileage driven to and from such a tour or event shall not be considered mileage driven for the purpose of the mileage limitations in this section. Violation of this section shall be punishable under section 301.440 and in addition to any other penalties prescribed by law, upon plea or finding of guilt thereof, the director of revenue shall revoke the historic motor vehicle license plates of such violator which were issued pursuant to this section.

5.] Notwithstanding any provisions of this section to the contrary, any person possessing a license plate issued by the state of Missouri that is over twenty-five years old, in which the year of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the owner of the vehicle may register such plate as an historic vehicle plate as set forth in subsections 1 and 2 of this section, provided that the configuration of letters, numbers or combination of letters and numbers of such plate are not identical to the configuration of letters, numbers or combination of letters and numbers of any plates already issued to an owner by the director. Such license plate shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed in section 301.130. The owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of registration in the vehicle at all times. The certificate of registration shall be prima facie evidence that the vehicle has been properly registered with the director and that all fees have been paid.”; and

Further amend the title and enacting clause accordingly.

Senator Mosley moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 661, Page 111, Section 578.120, Line 31, by inserting after all of said line the following:

“643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, **except that no decentralized motor vehicle emissions inspection program shall be established in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.** The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305 **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other

states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. Section 7401, et seq., and the regulations promulgated thereunder.

2. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of Article IV, Section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 37.014 and chapter 34. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall

be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion failed.

Senator Moon offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 661, Page 116, Section 1, Line 9, by inserting after all of said line the following:

“Section 2. No county, city, town or village in this state receiving public funds, or any transit agency receiving state funds, shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems or services or any other public accommodations.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Eigel, Koenig and Onder.

Senator Razer offered **SA 1 to SA 6**:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for House Bill No. 661, Page 1, Line 8, by inserting after the word “accommodations” the following: **“, and no such system or service shall discriminate against any person based on sexual orientation or gender identity”**.

Senator Razer moved that the above amendment be adopted.

Senator Moon requested a roll call vote be taken and was joined in his request by Senators Brattin, Burlison, Eigel and Onder.

SA 1 to SA 6 was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Cierpiot	Eslinger	Gannon	Hegeman
Hough	May	Mosley	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Williams—21

NAYS—Senators

Brattin	Burlison	Eigel	Hoskins	Koenig	Moon	O’Laughlin
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Onder Wieland—9

Absent—Senators

Bernskoetter Crawford Luetkemeyer—3

Absent with leave—Senator Brown—1

Vacancies—None

At the request of Senator Moon, **SA 6**, as amended, was withdrawn.

Senator Koenig offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 661, Pages 52-55, Section 302.341, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Onder offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 661, Page 8, Section 42.253, Line 16, by inserting after all of said line the following:

“70.441. 1. As used in this section, the following terms have the following meanings:

(1) “Agency”, the bi-state development agency created by compact under section 70.370;

(2) “Conveyance” includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;

(3) “Facilities” includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;

(4) “Person”, any individual, firm, copartnership, corporation, association or company; and

(5) “Sound production device” includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

2. In interpreting or applying this section, the following provisions shall apply:

(1) Any act otherwise prohibited by this section is lawful if specifically authorized by agreement, permit, license or other writing duly signed by an authorized officer of the agency or if performed by an officer, employee or designated agent of the agency acting within the scope of his or her employment or agency;

(2) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules; and

(3) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

3. (1) No person shall use or enter upon the light rail conveyances of the agency without payment of the fare or other lawful charges established by the agency. Any person on any such conveyance must have properly validated fare media in his possession. This ticket must be valid to or from the station the passenger is using, and must have been used for entry for the trip then being taken;

(2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare media to gain entry to the facilities or conveyances of, or make use of the services of, the agency, except as provided, authorized or sold by the agency and in accordance with any restriction on the use thereof imposed by the agency;

(3) No person shall enter upon parking lots designated by the agency as requiring payment to enter, either by electronic gate or parking meters, where the cost of such parking fee is visibly displayed at each location, without payment of such fees or other lawful charges established by the agency;

(4) Except for employees of the agency acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass, badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to or use of the facilities, conveyances or services of the agency without the written permission of an authorized representative of the agency;

(5) No person shall put or attempt to put any paper, article, instrument or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare media issued by the agency and valid for the place, time and manner in which used, into any fare box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection instrument, receptacle, device, machine or location;

(6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with this section shall be confiscated;

(7) No person may perform any act which would interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the agency;

(8) All persons on or in any facility or conveyance of the agency shall:

(a) Comply with all lawful orders and directives of any agency employee acting within the scope of his employment;

(b) Obey any instructions on notices or signs duly posted on any agency facility or conveyance; and

(c) Provide accurate, complete and true information or documents requested by agency personnel acting within the scope of their employment and otherwise in accordance with law;

(9) No person shall falsely represent himself or herself as an agent, employee or representative of the agency;

(10) No person on or in any facility or conveyance shall:

(a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or unsanitary condition, including, but not limited to, spitting and urinating, except in facilities provided;

(b) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(c) Enter or remain in any facility or conveyance while his ability to function safely in the environment of the agency transit system is impaired by the consumption of alcohol or by the taking of any drug;

(d) Loiter or stay on any facility of the agency;

(e) Consume foods or liquids of any kind, except in those areas specifically authorized by the agency;

(f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically authorized by the agency; or

(g) Throw or cause to be propelled any stone, projectile or other article at, from, upon or in a facility or conveyance;

(11) **Except as otherwise provided under section 571.107**, no weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except for law enforcement personnel **and employees of the agency acting within the scope of their employment**. For the purposes hereof, a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades; except that this subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which completely conceals the item from view and identification as a weapon;

(12) No explosives, flammable liquids, acids, fireworks or other highly combustible materials or radioactive materials may be carried on or in any facility or conveyance, except as authorized by the agency;

(13) No person, except as specifically authorized by the agency, shall enter or attempt to enter into any area not open to the public, including, but not limited to, motorman's cabs, conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment;

(14) No person may ride on the roof, the platform between rapid transit cars, or on any other area outside any rapid transit car or bus or other conveyance operated by the agency;

(15) No person shall extend his hand, arm, leg, head or other part of his or her person or extend any item, article or other substance outside of the window or door of a moving rapid transit car, bus or other conveyance operated by the agency;

(16) No person shall enter or leave a rapid transit car, bus or other conveyance operated by the agency except through the entrances and exits provided for that purpose;

(17) No animals may be taken on or into any conveyance or facility except the following:

(a) An animal enclosed in a container, accompanied by the passenger and carried in a manner which does not annoy other passengers; and

(b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs accompanying trainers carrying a certificate of identification issued by a dog school;

(18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights or safety of others or without due caution and circumspection, or at a speed in such a manner as to be likely to endanger persons or property on facilities of the agency. The speed limit on parking lots and access roads shall be posted as fifteen miles per hour unless otherwise designated.

4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any violation of this section shall constitute a misdemeanor, and any person committing a violation thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty dollars per violation, in addition to court costs. Any default in the payment of a fine imposed pursuant to this section without good cause shall result in imprisonment for not more than thirty days;

(2) Unless a greater penalty is provided by the laws of the state, any person convicted a second or subsequent time for the same offense under this section shall be guilty of a misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such fine and imprisonment;

(3) Any person failing to pay the proper fare, fee or other charge for use of the facilities and conveyances of the agency shall be subject to payment of such charge as part of the judgment against the violator. All proceeds from judgments for unpaid fares or charges shall be directed to the appropriate agency official;

(4) All juvenile offenders violating the provisions of this section shall be subject to the jurisdiction of the juvenile court as provided in chapter 211;

(5) As used in this section, the term "conviction" shall include all pleas of guilty and findings of guilt.

5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the bi-state development agency, as described in subdivision (3) of subsection 4 of this section, may, in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law, be required to reimburse the reasonable costs attributable to the enforcement, investigation, and prosecution of such offense by the bi-state development agency. The court shall direct the reimbursement proceeds to the appropriate agency official.

6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency property by the agency and parked or stored elsewhere at the risk and expense of the owner;

(2) Motor vehicles which are left unattended or abandoned on the property of the agency for a period of over seventy-two hours may be removed as provided for in section 304.155, except that the removal may be authorized by personnel designated by the agency under section 70.378."; and

Further amend said bill, page 110, section 570.030, line 125 by inserting after all of said line the following:

"571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit

or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in

which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue

shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

3. Notwithstanding any provision of this chapter, chapters 70, 577, or 578 to the contrary, a person carrying a firearm concealed on or about his or her person who is lawfully in possession of a valid concealed carry permit or endorsement shall not be prohibited or impeded from accessing or using any publicly funded transportation system, nor shall such person be harassed or detained for carrying a concealed firearm on the property, vehicles, or conveyances owned, contracted, or leased by such systems that are accessible to the public. For purposes of this section, "public transportation system" means the property, equipment, rights-of-way, or buildings, either publicly or privately owned and operated, of an entity that receives public funds and holds itself out to the general public for the transportation of persons. This includes portions of a public transportation system provided through a contract with a private entity, but excludes any corporation that provides intercity passenger train service on railroads throughout the United States or any private partnership in which the corporation engages.

577.703. 1. A person commits the offense of bus hijacking if he or she seizes or exercises control, by force or violence or threat of force or violence, of any bus. The offense of bus hijacking is a class B felony.

2. The offense of "assault with the intent to commit bus hijacking" is defined as an intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person. Assault to commit bus hijacking is a class D felony.

3. Any person, who, in the commission of such intimidation, threat, assault or battery with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

4. **Except as otherwise provided under section 571.107**, any passenger who boards a bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his or her person or effects is guilty of the felony of "possession and concealment of a dangerous or deadly weapon" upon a bus. Possession and concealment of a dangerous and deadly weapon by a passenger upon a bus is a class D felony. The provisions of this subsection shall not apply to:

(1) Duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; [nor shall the provisions of this subsection apply to];

(2) Persons who are in possession of weapons or other means of inflicting serious bodily injury with the consent of the owner of such bus, his or her agent, or the lessee or bailee of such bus;

(3) **Persons carrying concealed firearms who lawfully possess a valid concealed carry permit or endorsement in accordance with section 571.107; or**

(4) **Persons transporting a firearm in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible.**

577.712. 1. In order to provide for the safety, comfort, and well-being of passengers and others having a bona fide business interest in any terminal, a bus transportation company may refuse admission to terminals to any person not having bona fide business within the terminal. Any such refusal shall not be inconsistent or contrary to state or federal laws, regulations pursuant thereto, or to any ordinance of the

political subdivision in which such terminal is located. A duly authorized company representative may ask any person in a terminal or on the premises of a terminal to identify himself or herself and state his or her business. Failure to comply with such request or failure to state an acceptable business purpose shall be grounds for the company representative to request that such person leave the terminal. Refusal to comply with such request shall constitute disorderly conduct. Disorderly conduct shall be a class C misdemeanor.

2. Except as otherwise provided under section 571.107, it is unlawful for any person to carry a deadly or dangerous weapon or any explosives or hazardous material into a terminal or aboard a bus. Possession of a deadly or dangerous weapon, explosive or hazardous material shall be a class D felony. Upon the discovery of any such item or material, the company may obtain possession and retain custody of such item or material until it is transferred to the custody of law enforcement officers. The provisions of this section shall not apply to persons transporting a firearm in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible.”; and

Further amend said bill, page 116, section 1, line 9 by inserting after all of said line the following:

“[70.385. 1. Two of the five appointments made by the governor pursuant to the provisions of section 70.380 shall be selected from a panel of three nominees submitted by the mayor of St. Louis City. Two of the five appointments made by the governor pursuant to the provisions of section 70.380 shall be selected from a panel of three nominees submitted by the county executive of St. Louis County.

2. The fifth appointment made by the governor pursuant to section 70.380 shall be selected from a panel of three nominees submitted alternately by the mayor of St. Louis City and the county executive of St. Louis County. The next appointment following August 28, 1997, shall be to fill the commissioner position described in this subsection and shall be made from three nominees submitted by the county executive of St. Louis County. The next appointment for the commissioner position described in this subsection shall be made from three nominees submitted by the mayor of St. Louis City whereupon the order of nomination and appointment for this position will repeat itself.

3. The order of the appointments made pursuant to subsection 1 of this section shall be as follows:

(1) One from the panel of nominees submitted by the mayor of St. Louis city;

(2) One from the panel of nominees submitted by the county executive of St. Louis County whereupon the order of such appointments shall repeat itself.

4. Whenever the mayor or the county executive submits a panel of three nominees, they shall adhere to the intent set forth in the provisions of subsection 2 of section 213.020.]”;

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Eigel and Moon.

Senator May offered SA 1 to SA 8:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for House Bill No. 661, Page 16, Section 571.107, Line 489, by inserting at the end of said line the following: **“The provisions of this subsection shall only apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.”.**

Senator May moved that the above amendment be adopted.

Senator Onder requested a roll call vote be taken and was joined in his request by Senators Brattin, Eigel, Hoskins and Moon.

SA 1 to SA 8 failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	Hough	May	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—11			

NAYS—Senators

Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer	Moon
Onder	Riddle	Rowden	Schatz	White	Wieland—20	

Absent—Senators

O'Laughlin Rehder—2

Absent with leave—Senator Brown—1

Vacancies—None

Senator Roberts offered **SA 2 to SA 8**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for House Bill No. 661, Page 16, Section 571.107, Line 489, by inserting at the end of said line the following: **“The provisions of this subsection shall not apply in any city not within a county, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, and any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants.”.**

Senator Roberts moved that the above amendment be adopted.

At the request of Senator Hough, **HB 661**, with **SS, SA 8** and **SA 2 to SA 8** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SB 262**.

Emergency Clause Defeated.

Bill Ordered Enrolled.

RESOLUTIONS

Senator Burlison offered Senate Resolution No. 390, regarding Stephanie Bryant, Ozark, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SIXTH DAY—WEDNESDAY, MAY 12, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

HB 554-Eggleston, with SCS (Koenig)

(In Fiscal Oversight)

HB 834-Wright (O’Laughlin)

HB 352-Henderson, with SCS (Brown)

HCS for HB 1242, with SCS (Luetkemeyer)

HJR 6-Schnelting, with SCS (Eigel)

HCS for HB 1358, with SCS (Eigel)

(In Fiscal Oversight)

HCS for HB 1204, with SCS (Brown)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)

SB 3-Hegeman

SB 7-Riddle, with SS & SA 1 (pending)

SB 10-Schatz, with SS (pending)

SB 11-Schatz, with SS & SA 1 (pending)

SB 24-Eigel, with SS#2 (pending)

SB 30-Cierpiot

SB 39-Burlison, with SS (pending)

SB 47-Hough

SB 54-O’Laughlin, with SCS

SBs 55, 23 & 25-O’Laughlin, et al, with
SCS & SS for SCS (pending)

SB 62-Williams, with SCS

SB 65-Rehder, with SCS

SB 74-Bean, with SCS

SB 92-Riddle, with SCS

SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 287-Crawford
SB 95-Onder, with SCS	SB 291-Brown
SB 96-Hoskins, with SCS	SB 295-Crawford, with SCS
SB 98-Hoskins, with SCS (pending)	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 100-Koenig, with SCS	SB 306-Bernskoetter, with SCS
SB 105-Crawford, with SCS	SB 313-Eigel
SB 114-Bernskoetter	SB 316-Hough
SB 123-Hough, with SS & SA 2 (pending)	SB 318-May, with SCS
SB 131-Luetkemeyer	SB 334-Bernskoetter
SB 132-O'Laughlin, with SCS	SB 343-Brown
SB 134-O'Laughlin and Cierpiot	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 137-Brattin	SB 360-Wieland, with SCS
SB 138-Brattin, with SCS	SB 361-Wieland
SB 139-Bean	SB 369-White
SB 149-Onder	SB 370-Brown
SB 163-Cierpiot	SB 372-Riddle
SB 168-Burlison	SB 375-Eigel
SB 169-Burlison	SB 383-Moon
SB 174-Hough, with SCS	SB 390-Luetkemeyer
SB 179-Luetkemeyer	SB 399-Eigel
SB 182-O'Laughlin	SB 400-Onder, with SCS
SB 183-O'Laughlin	SB 404-Riddle
SB 184-Bean, with SCS	SB 408-Wieland
SB 195-Koenig	SB 434-Washington
SB 198-Eigel, with SCS	SB 437-Hoskins
SB 204-Cierpiot, with SCS	SB 459-Brattin, with SCS
SB 206-Arthur	SB 465-Hoskins, with SCS
SB 218-Luetkemeyer, with SCS	SB 466-Hoskins, with SCS
SB 227-Arthur	SB 473-Brown
SB 236-Hough, with SCS	SB 481-Hough, et al
SB 244-Onder	SB 506-Bean
SB 253-Hegeman	SB 529-Cierpiot
SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)	SB 547-Hoskins, with SCS
SB 255-Riddle	SB 561-Gannon
SB 265-Eslinger	SB 562-Schupp
SB 282-Hegeman, with SCS	SB 577-Riddle, with SCS

SB 582-Eslinger
SB 604-Koenig, with SCS
SJR 2-Onder, with SCS
SJR 4-Koenig

SJR 7-Eigel
SJR 12-Luetkemeyer
SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS,
SA 1 & SA 2 to SA 1 (pending) (Luetkemeyer)
SS for HCS for HB 66 (Koenig)
(In Fiscal Oversight)
HCS#2 for HB 75 (Onder)
HCS for HBs 85 & 310, with SCS (Burlison)
HCS for HB 137, with SCS (Luetkemeyer)
HB 139-Hudson (Burlison)
HCS for HB 162, with SCS (Hough)
HCS for HB 228, with SCS (O’Laughlin)
HCS for HB 242, with SCS (Burlison)
HB 249-Ruth (Wieland)
HS for HB 297 (Rehder), with SS &
SA 1 (pending)
HB 299-Wallingford, with SCS (Eigel)
HCS for HB 320, with SCS (Cierpiot)
(In Fiscal Oversight)
HB 333-Simmons (Onder)
HCS for HB 334 (Schatz)
HCS for HB 350 (Rehder)
HCS for HB 384, with SCS (Wieland)
HCS for HB 402 (Mosley)
SS for SCS for HS for HB 432 (White)
(In Fiscal Oversight)
HB 488-Hicks, with SCS (Burlison)
HCS for HB 508, with SCS (Bernskoetter)
HCS for HB 529, with SS for SCS, as
amended (Hoskins)

HB 530 & HCS for HB 292, with SCS
(Burlison)
HB 542-Shields, with SS, as amended
(Burlison)
HB 578-Bromley, with SCS (Brown)
HB 585-Houx, with SCS (Brown)
HB 624-Richey (Arthur)
HCS for HB 649, with SCS (Bernskoetter)
HB 657-Trent, with SCS (Hough)
HB 661-Ruth, with SS, SA 8 & SA 2 to
SA 8 (pending) (Hough)
HB 670-Houx (Moon)
HB 687-Riley (Hough)
HB 701-Black (Onder)
HCS for HB 825, with SCS (Burlison)
HB 850-Wiemann (Eigel)
HB 911-Hill (Onder)
SS for SCS for HB 948-Francis (Hoskins)
(In Fiscal Oversight)
HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097, with SS &
SA 1 (pending) (Bernskoetter)
HCS for HBs 1123 & 1221 (Koenig)
HCS for HJR 20, 2, 9 & 27 (Onder)
HCS for HJR 23 & 38 (Eslinger)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)

HB 202-McGill (Gannon)

HB 404-Aldridge (May)

HB 449-Tate (Gannon)

HB 522-Windham (Williams)

HB 640-Morse (Bean)

HB 1053-Patterson (Onder)

HB 296-Wallingford (White)

HB 298-Wallingford (White)

HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 64-Rehder, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 26-Eigel, with HCS, as
amendedSB 37-Bernskoetter, with HA 1, HA 2,
HA 3, HA 4, HA 5 & HA 6SS for SCS for SBs 53 & 60-Luetkemeyer,
with HCS, as amendedSB 72-Eslinger, with HCS, as amended
(Senate requests House recede or
grant conference)

SS for SB 141-Bean, with HCS, as amended

SB 226-Koenig, with HCS, as amended

SB 303-Gannon, with HCS, as amended
(Senate requests House recede or
grant conference)SB 330-Burlison, with HCS, as amended
(Senate requests House recede or
grant conference)SCS for SB 403-Onder, with HCS, as
amended (Senate requests House
recede or grant conference)HCS for HB 271, with SS#2 for SCS, as
amended (Crawford)HB 273-Hannegan, with SS#2 for SCS, as
amended (Riddle)HCS for HB 734, with SS for SCS, as
amended (Cierpiot)

Requests to Recede or Grant Conference

SB 9-Riddle, with HA 1, HA 1 to HA 2,
HA 2, as amended, HA 3 & HA 4
(Senate requests House recede or grant
conference)

SB 86-Hegeman, with HA 1, HA 2 & 3
(Senate requests House recede or
grant conference)

SS for SB 333-Burlison, with HCS, as
amended (Senate requests House
recede or grant conference)

SCS for SB 520-Roberts, with HS for HCS,
as amended (Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

HCR 29-Riggs (Roberts)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—WEDNESDAY, MAY 12, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“(Contemplation) is...life itself, fully awake, fully aware that it is alive. It is spiritual wonder. It is spontaneous awe at the sacredness of life, of being. (Thomas Merton)

Wonderous God, help us to take time each day for contemplation that we might be fully alive to your presence among us. May we have the sense of the preciousness of life and the awareness of its sacredness. In the same vein we experience the sadness in life at the death of former Senator Dan Brown and pray for Your consoling presence for his family and our colleague Senator Justin Brown, be with them Lord, as they work through this time of grief. And Lord God, help us be still, especially at such a time as this and know You, our God. So be among us for we need You in our lives. Bless us to be so aware of the people about us that the tasks we share have a specialness that is so very important to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

The Lieutenant Governor was present.

MEMORIALS

Senator Hegeman offered the following memorial, which was read:

SENATE MEMORIAL NO. 1

Whereas, the members of the Missouri Senate are deeply saddened by the news of the passing of former Senator Dan Brown, on Tuesday, May 11, 2021; and

Whereas, he was born December 22, 1950 in Solo, Missouri, in the heart of Texas County; and

Whereas, Senator Dan Brown married the love of his life Kathy, and together raised two children, Danette and Justin, as well as being blessed with five grandchildren; and

Whereas, Senator Dan Brown was a graduate of Houston High School and then went on to receive a B.S. in Agriculture from the University of Missouri-Columbia. He then graduated Summa Cum Laude with a Doctorate of Veterinary Medicine from the University of Missouri College of Veterinary Medicine; and

Whereas, he practiced veterinary medicine for over 30 years in Rolla, Missouri, and was very passionate about the care and treatment of all animals; and

Whereas, he was hardworking, intelligent, and kind, with a great sense of humor and wit that embodied a true man of service; and

Whereas, as a citizen-legislator honorably serving in both the Missouri House of Representatives and the Missouri Senate, he worked tirelessly for the citizens of his district, while also managing the state's budget as chairman of the Senate Appropriations Committee; and

Whereas, Senator Dan Brown will be long and well remembered by the many lives he touched:

Now Therefore Be It Resolved that we, the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, extend our most sincere condolences to the family of Senator Dan Brown on this sad and sober occasion.

The Senate observed a moment of silence in memory of former State Senator Dan Brown.

RESOLUTIONS

Senator Rowden offered Senate Resolution No. 391, regarding the Sixtieth Wedding Anniversary of John Joseph and Sharon Bley, Columbia, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SCS** for **HCS** for **HB 271**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **SCS** for **HCS** for **HB 271**.

Emergency Clause Adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2** and **HA 3** to **SB 86**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 333**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 520**, as amended, and grants the Senate a conference thereon.

Senator Eslinger assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 734**: Senators Cierpiot, Burlison, Bean, Beck and Schupp.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 15**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Eslinger assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 63**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Schatz assumed the Chair.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 507**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eslinger assumed the Chair.

PRIVILEGED MOTIONS

Senator Crawford, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SCS** for **HCS** for **HB 271**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 271

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for

House Committee Substitute for House Bill No. 271, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 271;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ John D. Wiemann
 /s/ Jason Chipman
 /s/ Jered Taylor
 /s/ Donna Baringer
 /s/ Tracy McCreery

FOR THE SENATE:

/s/ Sandy Crawford
 /s/ Mike Bernskoetter
 /s/ Caleb Rowden
 /s/ Greg Razer
 Jill Schupp

Senator Crawford moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Washington	White
Wieland	Williams—30					

NAYS—Senators

Moon Schupp—2

Absent—Senator Gannon—1

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Crawford, **CCS for SS No. 2 for SCS for HCS for HB 271**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE NO. 2 FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 271**

An Act to repeal sections 49.310, 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, and 570.030, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general

assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to local government, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Washington	White	Wieland

Williams—29

NAYS—Senators

Moon Mosley Schupp—3

Absent—Senator Beck—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Koenig, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 226**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 226, with House Amendment Nos. 1, 2, 3, and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment Nos. 6 and 7, House Amendment Nos. 2 and 3 to House Amendment No. 8, House Amendment No. 8 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 226, as amended;
2. That the Senate recede from its position on Senate Bill No. 226;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 226 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Andrew Koenig
/s/ Cindy O’Laughlin
/s/ Bill Eigel
/s/ Lauren Arthur
/s/ Steve Roberts

FOR THE HOUSE:

/s/ Philip Christofanelli
/s/ Cody Smith, 163
/s/ Derek Grier
/s/ Steve Butz
/s/ Ashley Bland Manlove

Senator Koenig moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	White	Wieland	Williams—32			

NAYS—Senator Washington—1

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Koenig, **CCS** for **HCS** for **SB 226**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to repeal sections 137.115, 143.121, 144.011, and 144.080, RSMo, and to enact in lieu thereof

seven new sections relating to taxation, with an existing penalty provision and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Moon	Mosley	O'Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

May Rehder—2

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Kehoe assumed the Chair.

Senator Luetkemeyer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 53** and **60**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 53 & 60

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 & 60, with House Amendment Nos. 1, 2, 3, and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7 as amended, House Amendment No. 8, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 & 60, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 & 60;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 53 & 60 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anthony Luetkemeyer
/s/ Bob Onder
/s/ Bill White
/s/ John Rizzo
/s/ Brian Williams

FOR THE HOUSE:

/s/ Lane Roberts
/s/ David Evans
/s/ Justin Hill
/s/ Mark Ellebracht
/s/ Robert Sauls

Senator Luetkemeyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Cierpiot	Crawford	Eslinger
Gannon	Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Wieland	Williams—26		

NAYS—Senators

Brattin	Burlison	Eigel	Hegeman	Hoskins	Moon	Washington—7
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Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Luetkemeyer, **CCS** for **HCS** for **SS** for **SCS** for **SBs 53** and **60**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 53 & 60

An Act to repeal sections 27.010, 50.327, 56.380, 56.455, 57.280, 57.317, 84.400, 105.950, 149.071, 149.076, 191.677, 191.1165, 192.2520, 197.135, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 488.029, 545.940, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030, 590.070, 610.120, 610.122, 610.140, 650.055, and 650.058, RSMo, and to enact in lieu thereof one hundred one new sections relating to public safety, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senators

Moon Washington—2

Absent—Senators—None

Absent with leave—Senato Brown—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senators

Moon Washington—2

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 1** to **HA 2**, **HA 2**, as amended, **HA 3** and **HA 4** to **SB 9**, and grants the Senate a conference thereon.

Also, the Conferees to exceed the differences in Section 173.280.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 520**, as amended. Representatives: Ruth, Hardwick, Hurlbert, Collins, Bosley.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 86**. Representatives: Baker, Christofanelli, Lewis (6), Proudie, Brown (70).

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 333**, as amended. Representatives: Baker, Taylor (139), Chipman, Merideth, Stevens (46).

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 734**, as amended. Representatives: O'Donnell, Eggleston, Francis, McCreery, Clemens.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 22**.

With House Amendment Nos. 1, 2, 3, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 22, Page 1, In the Title, Line 3, by deleting the words “tax increment financing” and inserting in lieu thereof the words “redevelopment in certain areas”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 22, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, [the improvements] **each improvement** it will make [and] **from the list of allowable improvements under section 67.1461**, an estimate of the costs of these services and improvements to be incurred, **the anticipated sources of funds to pay the costs, and the anticipated term of the sources of funds to pay the costs;**

(e) A statement as to whether the district will be a political subdivision or a not-for-profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district, **which in the case of districts established after August 28, 2021, shall not exceed twenty-seven years from the adoption of the ordinance establishing the district unless the municipality extends the length of time under section 67.1481;**

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate;

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: _____

Owner's telephone number and mailing address: _____

If signer is different from owner:

Name of signer: _____

State basis of legal authority to sign: _____

Signer's telephone number and mailing address: _____

If the owner is an individual, state if owner is single or married: _____

If owner is not an individual, state what type of entity: _____

Map and parcel number and assessed value of each tract of real property within the proposed district owned: _____

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above

Signature of person

Date

signing for owner

STATE OF MISSOURI)

) ss.

COUNTY OF _____)

Before me personally appeared _____, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this _____ day of _____ (month), _____ (year).

Notary Public

My Commission Expires: _____ ; and

(5) Alternatively, the governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may file a petition to initiate the process to establish a district in the portion of the city located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants containing the information required in subdivision (3) of this subsection; provided that the only funding methods for the services and improvements will be a real property tax.

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area. If the petition was filed by the governing body of a municipality pursuant to subdivision (5) of subsection 2 of this section, after the close of the public hearing required pursuant to subsection 1 of this section, the petition may be approved by the governing body and an election shall be called pursuant to section 67.1422.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the

amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development **and the state auditor.**

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355.

2. **(1)** The district shall be governed by a board consisting of at least five but not more than thirty directors.

(2) Except as otherwise provided in this subsection, each director shall, during his or her entire term[, be]:

[(1)] **(a)** Be at least eighteen years of age; [and

(2)] **(b)** Be either:

[(a)] **a.** An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

[(b)] **b.** A registered voter residing within the district; and

[(3)] **(c)** Satisfy any other qualifications set forth in the petition establishing the district.

(3) In the case of districts established after August 28, 2021, if there are no registered voters in the district on the date the petition is filed, at least one director shall, during his or her entire term, be a person who:

(a) Resides within the municipality that established the district;

(b) Is qualified and registered to vote under chapter 115 according to the records of the election authority as of the thirtieth day prior to the date of the applicable election;

(c) Has no financial interest in any real property or business operating within the district; and

(d) Is not a relative within the second degree of consanguinity or affinity to an owner of real property or a business operating in the district.

(4) If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition. **However, in the case of districts established after August 28, 2021, if the board is to be elected, the petition shall require at least one member of the board be appointed by the governing body of the municipality in the same manner as provided in this section for board appointments. The appointed board member shall serve a four-year term.**

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected;

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a term for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected.

In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms

specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired **public** improvement **specified in the petition or any amendment**;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk café tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms “telecommunications company” and “telecommunications facilities” are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;

(30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except

those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

6. All construction contracts entered into after August 28, 2021, in excess of five thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder. Notice of the letting of the contracts shall be given in the manner provided by section 8.250.

67.1471. 1. The fiscal year for the district shall be the same as the fiscal year of the municipality.

2. No earlier than one hundred eighty days and no later than ninety days prior to the first day of each fiscal year, the board shall submit to the governing body of the city a proposed annual budget, setting forth expected expenditures, revenues, and rates of assessments and taxes, if any, for such fiscal year. The governing body may review and comment to the board on this proposed budget, but if such comments are given, the governing body of the municipality shall provide such written comments to the board no later than sixty days prior to the first day of the relevant fiscal year; such comments shall not constitute requirements but shall only be recommendations.

3. The board shall hold an annual meeting and adopt an annual budget no later than thirty days prior to the first day of each fiscal year.

4. Within one hundred twenty days after the end of each fiscal year, the district shall submit a report to the municipal clerk and the Missouri department of economic development [stating]. **The report shall state the services provided, revenues collected, and expenditures made by the district during such fiscal year[,] ; state the dates the district adopted its annual budget, submitted its proposed annual budget to the municipality, and submitted its annual report to the municipal clerk; and include** copies of written resolutions approved by the board during the fiscal year. The municipal clerk shall retain this report as part of the official records of the municipality and shall also cause this report to be spread upon the records of the governing body.

5. The state auditor may audit a district in the same manner as the auditor may audit any agency of the state.

67.1481. 1. Each ordinance establishing a district shall set forth the term for the existence of such district which term may be defined as a minimum, maximum, or definite number of years, **but in the case of districts established after August 28, 2021, the term shall not exceed twenty-seven years except as provided under subsection 6 of this section.**

2. Upon receipt by the municipal clerk of a proper petition and after notice and a public hearing, any district may be terminated by ordinance adopted by the governing body of the municipality prior to the expiration of its term if the district has no outstanding obligations. A copy of such ordinance shall be given to the department of economic development.

3. A petition for the termination of a district is proper if:

(1) It names the district to be terminated;

(2) It has been signed by owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district;

(3) It has been signed by more than fifty percent per capita of owners of real property within the boundaries of the district;

(4) It contains a plan for dissolution and distribution of the assets of the district; and

(5) The signature block signed by each petitioner is in the form set forth in subdivision (4) of subsection 2 of section 67.1421.

4. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 67.1431. The notice shall contain the following information:

(1) The date, time and place of the public hearing;

(2) A statement that a petition requesting the termination of the district has been filed with the municipal clerk;

(3) A statement that a copy of the petition is available at the office of the municipal clerk during regular business hours; and

(4) A statement that all interested parties will be given an opportunity to be heard.

5. Upon expiration or termination of a district, the assets of such district shall **either** be [distributed] **sold or transferred** in accordance with the plan for dissolution as approved by ordinance. Every effort should be made by the municipality for the assets of the district to be distributed in such a manner so as to benefit the real property which was formerly a part of the district.

6. Prior to the expiration of the term of a district, a municipality may adopt an ordinance to extend the term of the existence of a district after holding a public hearing on the proposed extension. The extended term may be defined as a minimum, maximum, or definite number of years, but the extended term shall not exceed twenty-seven years. Notice of the hearing shall be given in the same manner as required under section 67.1431, except the notice shall include the time, date, and place of the public hearing; the name of the district; a map showing the boundaries of the existing district; and a statement that all interested persons shall be given an opportunity to be heard at the public hearing.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the _____ (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of _____ (insert amount) for a period of _____ (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for _____ (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer’s sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

7. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district’s ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

10. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

11. In each district in which a sales tax is imposed under this section, every retailer shall prominently display the rate of the sales tax imposed or increased at the cash register area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 22, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the “Community Improvement District Act”.

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) “Approval” or “approve”, for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) “Assessed value”, the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) “Blighted area”, [an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, sections 99.800 to 99.865, or sections 99.300 to 99.715] **the same meaning as defined pursuant to section 99.805;**

(4) “Board”, if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) “Director of revenue”, the director of the department of revenue of the state of Missouri;

(6) “District”, a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115;

(8) “Municipal clerk”, the clerk of the municipality;

(9) “Municipality”, any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) “Owner”, for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) “Per capita”, one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to 448.4-120, “per capita” means one head count applied to the applicable unit owners’ association and not to each unit owner;

(13) “Petition”, a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) “Qualified voters”,

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

99.020. The following terms, wherever used or referred to in sections 99.010 to 99.230, shall have the following respective meanings unless a different meaning clearly appears from the context:

(1) “Area of operation”, in the case of a housing authority of a city, shall include such city; in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined;

(2) “Authority” or “housing authority” shall mean any of the municipal corporations created by section 99.040;

(3) “Blighted” [shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors are detrimental to safety, health and morals], **the same meaning as defined pursuant to section 99.805;**

(4) “Bonds” shall mean any bonds, notes, interim certificates, debentures, or other obligations issued

by the authority pursuant to this chapter;

(5) “City” shall mean any city, town or village in the state;

(6) “The city” shall mean the particular city for which a particular housing authority is created;

(7) “Clerk” shall mean the clerk of the city or the clerk of the county commission, as the case may be, or the officer charged with the duties customarily imposed on such clerk;

(8) “County” shall mean any county in the state;

(9) “The county” shall mean the particular county for which a particular housing authority is created;

(10) “Federal government” shall include the United States of America, the United States Department of Housing and Urban Development or any other agency or instrumentality, corporate or otherwise, of the United States of America;

(11) “Governing body” shall mean, in the case of a city, the city council, common council, board of aldermen or other legislative body of the city, and in the case of a county, the county commission or other legislative body of the county;

(12) “Housing project” shall mean any work or undertaking, whether in a blighted or other area:

(a) To demolish, clear or remove buildings. Such work or undertaking may include the adaptation of such area to public purposes, including parks or other recreation or community purposes; or

(b) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of very low and lower income. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, site preparation, gardening, administrative, community, health, welfare or other purposes. Such work or undertaking may also include housing, for persons of moderate income, offices, stores, solar energy access, parks, and recreational and educational facilities, provided that such activities be undertaken only in conjunction with the provision of housing for persons of very low and lower income, and provided further that any profit of the authority shall be distributed as provided in subsection 3 of section 99.080; or

(c) To accomplish a combination of the foregoing. The term “housing project” also may be applied to the planning of the buildings and improvements, the acquisition of property; the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith;

(d) In the planning and carrying out of any housing project owned and operated by a housing authority, a housing authority shall establish procedures for allocating any training and employment opportunities which may arise from such activity to qualified persons of very low and lower income who have been unemployed for one year or more and reside within the area of operation of the housing authority;

(13) “Mayor” shall mean the elected mayor of the city or the elected officer thereof charged with duties customarily imposed on the mayor or executive head of the city;

(14) “Obligee of the authority” or “obligee” shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor’s interest or any part thereof, and the federal government when it is a

party to any contract with the authority;

(15) “Persons of very low income” means those persons or families whose annual income does not exceed fifty percent of the median income for the area. “Persons of lower income” means those persons or families whose annual income is greater than fifty but does not exceed eighty percent of the median income for the area. “Persons of moderate income” means those persons or families whose annual income is greater than eighty but does not exceed one hundred and fifty percent of the median income for the area. For purposes of this subdivision, median income for the area shall be determined in accordance with section 1437a, Title 42, United States Code, including any amendments thereto. Any and all references to “persons of low income” in this chapter shall mean persons of very low, lower or moderate income as defined herein;

(16) “Profit” shall mean the difference between gross revenues and necessary and ordinary business expenses, including debt service, if any;

(17) “Real property” shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

99.320. As used in this law, the following terms mean:

(1) “Area of operation”, in the case of a municipality, the area within the municipality except that the area of operation of a municipality under this law shall not include any area which lies within the territorial boundaries of another municipality unless a resolution has been adopted by the governing body of the other municipality declaring a need therefor; and in the case of a county, the area within the county, except that the area of operation in such case shall not include any area which lies within the territorial boundaries of a municipality unless a resolution has been adopted by the governing body of the municipality declaring a need therefor; and in the case of a regional authority, the area within the communities for which the regional authority is created, except that a regional authority shall not undertake a land clearance project within the territorial boundaries of any municipality unless a resolution has been adopted by the governing body of the municipality declaring that there is a need for the regional authority to undertake the land clearance project within such municipality; no authority shall operate in any area of operation in which another authority already established is undertaking or carrying out a land clearance project without the consent, by resolution, of the other authority;

(2) “Authority” or “land clearance for redevelopment authority”, a public body corporate and politic created by or pursuant to section 99.330 or any other public body exercising the powers, rights and duties of such an authority;

(3) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(4) “Bond”, any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this law;

(5) “Clerk”, the clerk or other official of the municipality or county who is the custodian of the official

records of the municipality or county;

(6) “Community”, any county or municipality except that such term shall not include any municipality containing less than seventy-five thousand inhabitants until the governing body thereof shall have submitted the proposition of accepting the provisions of this law to the qualified voters therein at an election called and held as provided by law for the incurring of indebtedness by such municipality, and a majority of the voters voting at the election shall have voted in favor of such proposition;

(7) “Federal government”, the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America;

(8) “Governing body”, the city council, common council, board of aldermen or other legislative body charged with governing the municipality or the county commission or other legislative body charged with governing the county;

(9) “Insanitary area”, an area in which there is a predominance of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare;

(10) “Land clearance project”, any work or undertaking:

(a) To acquire blighted, or insanitary areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of the blighted or insanitary areas or to the prevention of the spread or recurrence of substandard or insanitary conditions or conditions of blight;

(b) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan;

(c) To sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use or to retain such land for public use, in accordance with a redevelopment plan;

(d) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses, buildings, structures and other facilities;

(e) The term “land clearance project” may also include the preparation of a redevelopment plan, the planning, survey and other work incident to a land clearance project and the preparation of all plans and arrangements for carrying out a land clearance project and wherever the words “land clearance project” are used in this law, they shall also mean and include the words “urban renewal project” as defined in this section;

(11) “Mayor”, the elected mayor of the city or the elected officer having the duties customarily imposed upon the mayor of the city or the executive head of a county;

(12) “Municipality”, any incorporated city, town or village in the state;

(13) “Obligee”, any bondholders, agents or trustees for any bondholders, lessor demising to the authority property used in connection with land clearance project, or any assignee or assignees of the lessor’s interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(14) “Person”, any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof;

(15) “Public body”, the state or any municipality, county, township, board, commission, authority, district, or any other subdivision of the state;

(16) “Real property”, all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;

(17) “Redeveloper”, any person, partnership, or public or private corporation or agency which enters or proposes to enter into a redevelopment or rehabilitation or renewal contract;

(18) “Redevelopment contract”, a contract entered into between an authority and redeveloper for the redevelopment, rehabilitation or renewal of an area in conformity with a redevelopment plan or an urban renewal plan;

(19) “Redevelopment”, the process of undertaking and carrying out a redevelopment plan or urban renewal plan;

(20) “Redevelopment plan”, a plan other than a preliminary or tentative plan for the acquisition, clearance, reconstruction, rehabilitation, renewal or future use of a land clearance project area, and shall be sufficiently complete to comply with subdivision (4) of section 99.430 and shall be in compliance with a “workable program” for the city as a whole and wherever used in sections 99.300 to 99.660 the words “redevelopment plan” shall also mean and include “urban renewal plan” as defined in this section;

(21) “Urban renewal plan”, a plan as it exists from time to time, for an urban renewal project, which plan shall conform to the general plan for the municipality as a whole; and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the relationship of the plan to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; an urban renewal plan shall be prepared and approved pursuant to the same procedure as provided with respect to a redevelopment plan;

(22) “Urban renewal project”, any surveys, plans, undertakings and activities for the elimination and for the prevention of the spread or development of insanitary, blighted, deteriorated or deteriorating areas and may involve any work or undertaking for such purpose constituting a land clearance project or any rehabilitation or conservation work, or any combination of such undertaking or work in accordance with an urban renewal project; for this purpose, “rehabilitation or conservation work” may include:

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(b) Acquisition of real property and demolition, removal or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses, buildings, structures and other facilities;

(d) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and

(e) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of the project; but such disposition shall be in the manner prescribed in this law for the disposition of property in a land clearance project area;

(23) “Workable program”, an official plan of action, as it exists from time to time, for effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated and deteriorating areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program.”; and

Further amend said bill and page, Section 99.805, line 5, by deleting the phrase: “defective or inadequate street layout,” and inserting in lieu thereof the words “[defective or inadequate street layout,]”; and

Further amend said bill, Page 21, Section 99.820, line 327, by inserting after all of said line the following:

“99.821. Notwithstanding any provision of sections 99.800 to 99.865 to the contrary, redevelopment plans approved or amended after December 31, 2021, by a city not within a county may provide for the deposit of up to ten percent of the tax increment financing revenues generated pursuant to section 99.845 into a strategic infrastructure for economic growth fund established by such city in lieu of deposit into the special allocation fund. Moneys deposited into the strategic infrastructure for economic growth fund pursuant to this section may be expended by the city establishing such fund for the purpose of funding capital investments in public infrastructure that the governing body of such city has determined to be in a census tract that is defined as a low-income community pursuant to 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone pursuant to 26 U.S.C. Section 1400Z-1.”; and

Further amend said bill, Page 22, Section 99.847, Line 2, by inserting immediately after “contrary,” the following: **“for all years ending on or before December 31, 2021,”**; and

Further amend said bill, page, and section, Lines 5-12, by deleting all of said lines and inserting in lieu thereof the following:

“Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred

thousand inhabitants, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications. **Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, for all years beginning on or after January 1, 2022, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency unless such project is located in:"**; and

Further amend said bill and section, page 23, lines 34-38, by striking all of said lines and inserting in lieu thereof the following:

"(7) A home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants;"; and

Further amend said bill, Page 26, Section 99.848, Line 59, by inserting after all of said line the following:

"99.918. As used in sections 99.915 to 99.980, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Authority", the downtown economic stimulus authority for a municipality, created pursuant to section 99.921;

(2) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a development project; provided, however, if economic activity taxes or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the development project area, decrease in the development project area in the year following the year in which the ordinance approving a development project is approved by a municipality, the baseline year may, at the option of the municipality approving the development project, be the year following the year of the adoption of the ordinance approving the development project. When a development project area is located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the development project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the development project within one year after the occurrence of the natural disaster;

(3) "Blighted area", [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(4) "Central business district", the area at or near the historic core that is locally known as the "downtown" of a municipality that has a median household income of sixty-two thousand dollars or less,

according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

(5) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes, economic activity taxes other than economic activity taxes which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales taxes and state taxes, the director of revenue;

(6) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(7) "Development area", an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It includes only those parcels of real property directly and substantially benefitted by the proposed development plan;

(b) It can be renovated through one or more development projects;

(c) It is located in the central business district;

(d) It has generally suffered from declining population or property taxes for the twenty-year period immediately preceding the area's designation as a development area or has structures in the area fifty percent or more of which have an age of thirty-five years or more;

(e) It is contiguous, provided, however that a development area may include up to three noncontiguous areas selected for development projects, provided that each noncontiguous area meets the requirements of paragraphs (a) to (g) herein;

(f) The development area shall not exceed ten percent of the entire area of the municipality; and

(g) The development area shall not include any property that is located within the one hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the United States Army Corps of Engineers. This subdivision shall not apply to property within the one hundred year flood plain if the buildings on the property have been or will be flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing and the property is located in a home rule city with

more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants. Only those buildings certified as being flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing by the authority shall be eligible for the state sales tax increment and the state income tax increment. Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.951;

(8) "Development plan", the comprehensive program of a municipality to reduce or eliminate those conditions which qualified a development area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the development area through the reimbursement, payment, or other financing of development project costs in accordance with sections 99.915 to 99.980 and through the exercise of the powers set forth in sections 99.915 to 99.980. The development plan shall conform to the requirements of section 99.942;

(9) "Development project", any development project within a development area which constitutes a major initiative in furtherance of the objectives of the development plan, and any such development project shall include a legal description of the area selected for such development project;

(10) "Development project area", the area located within a development area selected for a development project;

(11) "Development project costs" include such costs to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure to support a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a development plan or development project, except in circumstances of plan amendments approved by the Missouri development finance board and the department of economic development. Such infrastructure costs include, but are not limited to, the following:

(a) Costs of studies, appraisals, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;

(e) Costs of construction of public works or improvements;

(f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more development projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(g) All or a portion of a taxing district's capital costs resulting from any development project necessarily incurred or to be incurred in furtherance of the objectives of the development plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;

(h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a development project;

(i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development, the department of revenue and the office of administration in evaluating an application for and administering state supplemental downtown development financing for a development project; and

(j) Endowment of positions at an institution of higher education which has a designation as a Carnegie Research I University including any campus of such university system, subject to the provisions of section 99.958. In addition, economic activity taxes and payment in lieu of taxes may be expended on or used to reimburse any reasonable or necessary costs incurred or estimated to be incurred in furtherance of a development plan or a development project;

(12) “Economic activity taxes”, the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area, which are not related to the relocation of any out-of-state business into the development project area, which exceed the amount of such taxes generated by economic activities within such development project area in the baseline year plus, in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of this section, the total revenue from taxes which are imposed by the municipality and other taxing districts which is generated by economic activities within the development project area resulting from the relocation of an out-of-state business or out-of-state businesses to the development project area pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility to another facility within the same county and the municipality or authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from taxes which are imposed by the municipality and other taxing districts which are generated by the economic activities within the development project area which exceed the amount of taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area generated by the retail establishment in the baseline year;

(13) “Gambling establishment”, an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850;

(14) “Major initiative”, a development project within a central business district that:

(a) Promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, or conventions, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable; or

(b) Promotes business location or expansion, the estimated cost of which is in excess of the amount set forth below for the municipality, and is estimated to create at least as many new jobs as set forth below within three years of such location or expansion:

Population of Municipality	Estimated Project Cost	New Jobs Created
300,000 or more	\$10,000,000	at least 100
100,000 to 299,999	\$5,000,000	at least 50
50,001 to 99,999	\$1,000,000	at least 10
50,000 or less	\$500,000	at least 5

(15) “Municipality”, any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001, or a census-designated place in any county designated by the county for purposes of sections 99.915 to 99.1060;

(16) “New job”, any job defined as a new job pursuant to subdivision (11) of section 100.710;

(17) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a development project or to refund outstanding obligations;

(18) “Ordinance”, an ordinance enacted by the governing body of any municipality or an order of the governing body of such a municipal entity whose governing body is not authorized to enact ordinances;

(19) “Other net new revenues”, the amount of state sales tax increment or state income tax increment or the combination of the amount of each such increment as determined under section 99.960;

(20) “Out-of-state business”, a business entity or operation that has been located outside of the state of Missouri prior to the time it relocates to a development project area;

(21) “Payment in lieu of taxes”, those revenues from real property in each development project area, which taxing districts would have received had the municipality not adopted a development plan and the municipality not adopted development financing, and which would result from levies made after the time of the adoption of development financing during the time the current equalized value of real property in such development project area exceeds the total equalized value of real property in such development project area during the baseline year until development financing for such development project area expires or is terminated pursuant to sections 99.915 to 99.980;

(22) “Special allocation fund”, the fund of the municipality or its authority required to be established pursuant to section 99.957 which special allocation fund shall contain at least four separate segregated accounts into which payments in lieu of taxes are deposited in one account, economic activity taxes are deposited in a second account, other net new revenues are deposited in a third account, and other revenues, if any, received by the authority or the municipality for the purpose of implementing a development plan or a development project are deposited in a fourth account;

(23) “State income tax increment”, up to fifty percent of the estimate of the income tax due the state for salaries or wages paid to new employees in new jobs at a business located in the development project area and created by the development project. The estimate shall be a percentage of the gross payroll which percentage shall be based upon an analysis by the department of revenue of the practical tax rate on gross payroll as a factor in overall taxable income;

(24) “State sales tax increment”, up to one-half of the incremental increase in the state sales tax revenue in the development project area. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri development finance board and the department of economic development

are satisfied based on information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase for an existing facility shall be the amount by which the state sales tax revenue generated at the facility exceeds the state sales tax revenue generated at the facility in the baseline year. The incremental increase in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of this section shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation;

(25) “State sales tax revenues”, the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

(26) “Taxing district’s capital costs”, those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project; and

(27) “Taxing districts”, any political subdivision of this state having the power to levy taxes.

99.1082. As used in sections 99.1080 to 99.1092, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Baseline year”, the calendar year prior to the adoption of an ordinance by the municipality approving a redevelopment project; provided, however, if local sales tax revenues or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the redevelopment project area, decrease in the redevelopment project area in the year following the year in which the ordinance approving a redevelopment project is approved by a municipality, the baseline year may, at the option of the municipality approving the redevelopment project, be the year following the year of the adoption of the ordinance approving the redevelopment project. When a redevelopment project area is located within a county for which public and individual assistance has been requested by the governor under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor under section 44.100 due to a natural disaster of major proportions and the redevelopment project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the redevelopment project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the redevelopment project within one year after the occurrence of the natural disaster;

(2) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use]

the same meaning as defined pursuant to section 99.805;

(3) “Central business district”, the area at or near the historic core that is locally known as the “downtown” of a municipality that has a median household income of sixty-two thousand dollars or less, according to the United States Census Bureau’s American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

(4) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(5) “Gambling establishment”, an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850;

(6) “Local sales tax increment”, at least fifty percent of the local sales tax revenue from taxes that are imposed by a municipality and its county, and that are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such a redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area while financing under sections 99.1080 to 99.1092 remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments; provided however, the governing body of any county may, by resolution, exclude any portion of any countywide sales tax of such county. For redevelopment projects or redevelopment plans approved after August 28, 2005, if a retail establishment relocates within one year from one facility within the same county and the governing body of the municipality finds that the retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(7) “Local sales tax revenue”, city sales tax revenues received under sections 94.500 to 94.550 and county sales tax revenues received under sections 67.500 to 67.594;

(8) “Major initiative”, a development project within a central business district which promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, economic development, or conventions for the municipality, and where the capital investment within the redevelopment project area is:

(a) At least five million dollars for a project area within a city having a population of one hundred thousand to one hundred ninety-nine thousand nine hundred and ninety-nine inhabitants;

(b) At least one million dollars for a project area within a city having a population of fifty thousand to ninety-nine thousand nine hundred and ninety-nine inhabitants;

(c) At least five hundred thousand dollars for a project area within a city having a population of ten thousand to forty-nine thousand nine hundred and ninety-nine inhabitants; or

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine thousand nine hundred and ninety-nine inhabitants;

(9) “Municipality”, any city or county of this state having fewer than two hundred thousand inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations under sections 99.1080 to 99.1092 to carry out a redevelopment project or to refund outstanding obligations;

(11) “Ordinance”, an ordinance enacted by the governing body of any municipality;

(12) “Redevelopment area”, an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It can be renovated through one or more redevelopment projects;

(b) It is located in the central business district;

(c) The redevelopment area shall not exceed ten percent of the entire geographic area of the municipality. Subject to the limitation set forth in this subdivision, the redevelopment area can be enlarged or modified as provided in section 99.1088;

(13) “Redevelopment plan”, the comprehensive program of a municipality to reduce or eliminate those conditions which qualify a redevelopment area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area through the reimbursement, payment, or other financing of redevelopment project costs in accordance with sections 99.1080 to 99.1092 and through application for and administration of downtown revitalization preservation program financing under sections 99.1080 to 99.1092;

(14) “Redevelopment project”, any redevelopment project within a redevelopment area which constitutes a major initiative in furtherance of the objectives of the redevelopment plan, and any such redevelopment project shall include a legal description of the area selected for such redevelopment project;

(15) “Redevelopment project area”, the area located within a redevelopment area selected for a redevelopment project;

(16) “Redevelopment project costs” include such costs to the redevelopment plan or a redevelopment

project, as applicable, which are expended on public property, buildings, or rights-of-way for public purposes to provide infrastructure to support a redevelopment project, including facades. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a redevelopment plan or redevelopment project, except in circumstances of plan amendments approved by the department of economic development. Such infrastructure costs include, but are not limited to, the following:

- (a) Costs of studies, appraisals, surveys, plans, and specifications;
 - (b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;
 - (c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;
 - (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;
 - (e) Costs of construction of public works or improvements;
 - (f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more redevelopment projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;
 - (g) All or a portion of a taxing district's capital costs resulting from any redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;
 - (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a redevelopment project when all debt is retired;
 - (i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development and the department of revenue in evaluating an application for and administering downtown revitalization preservation financing for a redevelopment project;
- (17) "State sales tax increment", up to one-half of the incremental increase in the state sales tax revenue in the redevelopment project area provided the local taxing jurisdictions commit one-half of their local sales tax to paying for redevelopment project costs. The incremental increase shall be the amount by which the state sales tax revenue generated at the facility or within the redevelopment project area exceeds the state sales tax revenue generated at the facility or within the redevelopment project area in the baseline year. For redevelopment projects or redevelopment plans approved after August 28, 2005, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to the relocation to the redevelopment area;
- (18) "State sales tax revenues", the general revenue portion of state sales tax revenues received under section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats

and outboard motors and future sales taxes earmarked by law;

(19) “Taxing district’s capital costs”, those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a redevelopment project;

(20) “Taxing districts”, any political subdivision of this state having the power to levy taxes.

100.310. As used in this law, the following words and terms mean:

(1) “Authority”, a public body corporate and politic created by or pursuant to sections of this law or any other public body exercising the powers, rights and duties of such an authority;

(2) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(3) “Bond”, any bonds, including refunding bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this law;

(4) “City”, all cities of this state now having or which hereafter have four hundred thousand inhabitants or more according to the last decennial census of the United States or any city that has adopted a home rule charter pursuant to Section 19 of Article VI of the Missouri Constitution;

(5) “Clerk”, the official custodian of records of the city;

(6) “Federal government”, the United States of America or any agency or instrumentality corporate or otherwise of the United States of America;

(7) “Governing body”, the city council, common council, board of aldermen or other legislative body charged with governing the municipality;

(8) “Industrial developer”, any person, partnership or public or private corporation or agency which enters or proposes to enter into an industrial development contract;

(9) “Industrial development”, the acquisition, clearance, grading, improving, preparing of land for industrial and commercial development and use and the construction, reconstruction, purchase, repair of industrial and commercial improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities relating to industrial and commercial use in blighted, insanitary or undeveloped industrial areas; and the existing merchants, residents, and present businesses shall have the first option to redevelop the area under this act;

(10) “Industrial development contract”, a contract entered into between an authority and an industrial developer for the industrial development of an area in conformity with a plan;

(11) “Insanitary area”, an area in which there is a predominance of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land,

or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals or welfare;

(12) “Obligee”, any bondholders, agents or trustees for any bondholders, lessor demising to the authority property used in connection with industrial clearance project, or any assignee or assignees of the lessor’s interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(13) “Person”, any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee or other similar representative thereof;

(14) “Plan”, a plan as it exists from time to time for the orderly carrying on of a project of industrial development;

(15) “Project”, any work or undertaking:

(a) To acquire blighted, insanitary and undeveloped industrial areas or portions thereof including lands, structures or improvements the acquisition of which is necessary or incidental to the proper industrial development of the blighted, insanitary and undeveloped industrial areas or to prevent the spread or recurrence of conditions of blight, insanitary or undevelopment;

(b) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct or reconstruct streets, utilities and site improvements essential to the preparation of sites for uses in accordance with a plan;

(c) To construct, reconstruct, remodel, repair, improve, install improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities related to industrial and commercial uses;

(d) To sell, lease or otherwise make available land in such areas for industrial and commercial or related use or to retain such land for public use, in accordance with a plan;

(16) “Public body”, the state or any municipality, county, township, board, commission, authority, district or any other subdivision of the state;

(17) “Real property”, all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;

(18) “Undeveloped industrial area”, any area which, by reason of defective and inadequate street layout or location of physical improvements, obsolescence and inadequate subdivision and platting contains vacant parcels of land not used economically; contains old, decaying, obsolete buildings, plants, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, warehouses, distribution centers, structures; contains buildings, plants, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers and structures whose operation is not economically feasible; contains intermittent commercial and industrial structures in a primarily industrial or commercial area; or contains insufficient space for the expansion and efficient use

of land for industrial plants and commercial uses amounting to conditions which retard economic or social growth, are economic waste and social liabilities and represent an inability to pay reasonable taxes to the detriment and injury of the public health, safety, morals and welfare.

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Average wage”, the new payroll divided by the number of new jobs;

(2) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The term “blighted area” shall also include any area which produces or generates or has the potential to produce or generate electrical energy from a renewable energy resource, and which, by reason of obsolescence, decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe conditions, improper subdivision or obsolete platting, or the existence of conditions which endanger the life or property by fire or other means, or any combination of such factors, is underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or lock and dam site within such area for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource] **the same meaning as defined pursuant to section 99.805;**

(3) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(4) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

(5) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(6) “Department”, the department of economic development;

(7) “Director”, the director of the department of economic development;

(8) “Employee”, a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

(9) “Enhanced business enterprise”, an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state’s economic security and growth; or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

(10) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(11) “Facility”, any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(12) “Facility base employment”, the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

(13) “Facility base payroll”, the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

(14) “Governing authority”, the body holding primary legislative authority over a county or incorporated municipality;

(15) “Megaproject”, any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) “NAICS”, the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) “New business facility”, a facility that does not produce or generate electrical energy from a renewable energy resource and satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision (27) of this section;

(18) “New business facility employee”, an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

(19) “New business facility investment”, the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new

business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(20) “New job”, the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(21) “Notice of intent”, a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise’s intent to hire new jobs and request benefits under such program;

(22) “Related facility”, a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

(23) “Related facility base employment”, the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

(24) “Related taxpayer”:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. “Control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) “Renewable energy generation zone”, an area which has been found, by a resolution or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted area and which contains land, improvements, or a lock and dam site which is unutilized or underutilized for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;

(26) “Renewable energy resource”, shall include:

(a) Wind;

(b) Solar thermal sources or photovoltaic cells and panels;

(c) Dedicated crops grown for energy production;

- (d) Cellulosic agricultural residues;
- (e) Plant residues;
- (f) Methane from landfills, agricultural operations, or wastewater treatment;
- (g) Thermal depolymerization or pyrolysis for converting waste material to energy;
- (h) Clean and untreated wood such as pallets;

(i) Hydroelectric power, which shall include electrical energy produced or generated by hydroelectric power generating equipment, as such term is defined in section 137.010;

(j) Fuel cells using hydrogen produced by one or more of the renewable resources provided in paragraphs (a) to (i) of this subdivision; or

(k) Any other sources of energy, not including nuclear energy, that are certified as renewable by rule by the department of economic development;

(27) “Replacement business facility”, a facility otherwise described in subdivision (17) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer’s new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

(28) “Same or substantially similar enhanced business enterprise”, an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

262.900. 1. As used in this section, the following terms mean:

(1) “Agricultural products”, an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;

(2) “Blighted area”, [that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical deterioration

have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes] **the same meaning as defined pursuant to section 99.805;**

(3) “Department”, the department of agriculture;

(4) “Domesticated animal”, cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(5) “Grower UAZ”, a type of UAZ:

(a) That can either grow produce, raise livestock, or produce other value-added agricultural products;

(b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty domesticated animals;

(6) “Livestock”, cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(7) “Locally grown”, a product that was grown or raised in the same county or city not within a county in which the UAZ is located or in an adjoining county or city not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county;

(8) “Meat”, any edible portion of livestock or poultry carcass or part thereof;

(9) “Meat product”, anything containing meat intended for or capable of use for human consumption, which is derived, in whole or in part, from livestock or poultry;

(10) “Mobile unit”, the same as motor vehicle as defined in section 301.010;

(11) “Poultry”, any domesticated bird intended for human consumption;

(12) “Processing UAZ”, a type of UAZ:

(a) That processes livestock, poultry, or produce for human consumption;

(b) That meets federal and state processing laws and standards;

(c) Is a qualifying small business approved by the department;

(13) “Qualifying small business”, those enterprises which are established within an Urban Agricultural Zone subsequent to its creation, and which meet the definition established for the Small Business Administration and set forth in Section 121.201 of Part 121 of Title 13 of the Code of Federal Regulations;

(14) “Value-added agricultural products”, any product or products that are the result of:

(a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;

(b) A change in the physical state or form of the original agricultural product;

(c) An agricultural product grown in this state which has had its value enhanced by special production

methods such as organically grown products; or

(d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems;

(15) “Urban agricultural zone” or “UAZ”, a zone within a metropolitan statistical area as defined by the United States Office of Budget and Management that has one or more of the following entities that is a qualifying small business and approved by the department, as follows:

(a) Any organization or person who grows produce or other agricultural products;

(b) Any organization or person that raises livestock or poultry;

(c) Any organization or person who processes livestock or poultry;

(d) Any organization that sells at a minimum seventy-five percent locally grown food;

(16) “Vending UAZ”, a type of UAZ:

(a) That sells produce, meat, or value-added locally grown agricultural goods;

(b) That is able to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program as a form of payment; and

(c) Is a qualifying small business that is approved by the department for an UAZ vendor license.

2. (1) A person or organization shall submit to any incorporated municipality an application to develop an UAZ on a blighted area of land. Such application shall demonstrate or identify on the application:

(a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;

(b) The number of jobs to be created;

(c) The types of products to be produced; and

(d) If applying for a vending UAZ, the ability to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program if selling products to consumers.

(2) A municipality shall review and modify the application as necessary before either approving or denying the request to establish an UAZ.

(3) Approval of the UAZ by such municipality shall be reviewed five and ten years after the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

If the municipality finds during its review that the UAZ is not meeting the requirements set out in this section, the municipality may dissolve the UAZ.

3. The governing body of any municipality planning to seek designation of an urban agricultural zone shall establish an urban agricultural zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation of an urban agricultural zone. Two members of the board shall be appointed by other affected taxing districts. The remaining four members shall be chosen by the chief elected officer of the municipality. The four members chosen by the chief elected officer of the municipality shall all be residents

of the county or city not within a county in which the UAZ is to be located, and at least one of such four members shall have experience in or represent organizations associated with sustainable agriculture, urban farming, community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

5. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

6. The members of the board annually shall elect a chair from among the members.

7. The role of the board shall be to conduct the activities necessary to advise the governing body on the designation of an urban agricultural zone and any other advisory duties as determined by the governing body. The role of the board after the designation of an urban agricultural zone shall be review and assessment of zone activities.

8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed urban agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing districts and political subdivisions in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the designation at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing. At the public hearing any interested person or affected taxing district may file with the board written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The board shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

9. Following the conclusion of the public hearing required under subsection 8 of this section, the governing authority of the municipality may adopt an ordinance designating an urban agricultural zone.

10. The real property of the UAZ shall not be subject to assessment or payment of ad valorem taxes on real property imposed by the cities affected by this section, or by the state or any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under subsection 9 of this section, except to such extent and in such amount as may be imposed upon such real property during such period, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, in an amount not greater than the amount of taxes due and payable thereon during the calendar year preceding the calendar year during which the urban agricultural zone was designated. The amounts of such tax assessments shall not be increased during such period so long as the real property is used in furtherance of the activities provided under the provisions of subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement provided by the ordinance, the property shall then be reassessed. If only a portion of real property is used as an UAZ, then only that portion

of real property shall be exempt from assessment or payment of ad valorem taxes on such property, as provided by this section.

11. If the water services for the UAZ are provided by the municipality, the municipality may authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the UAZ. If available, the UAZ may pay fifty percent of the standard cost to hook onto the water source.

12. (1) Any local sales tax revenues received from the sale of agricultural products sold in the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending UAZ selling agricultural products in the municipality in which the vending UAZ is located, shall be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection. An amount equal to one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

(2) There is hereby created in the state treasury the “Urban Agricultural Zone Fund”, which shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used for the purposes authorized by this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys shall be made available to school districts. The remaining fifty percent of fund moneys shall be allocated to municipalities that have urban agricultural zones based upon the municipality’s percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones within the municipality for improvements. School districts may apply to the department for money in the fund to be used for the development of curriculum on or the implementation of urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district or districts in which the UAZ is located pursuant to rules to be promulgated by the department, with special consideration given to the relative number of students eligible for free and reduced-price lunches attending the schools within such district or districts.

13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

14. The provisions of this section shall not apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.

353.020. The following terms, whenever used or referred to in this chapter, mean:

(1) “Area”, that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such

buildings, improvements or real property form a part;

(2) “Blighted area”, [that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes] **the same meaning as defined pursuant to section 99.805;**

(3) “City” or “such cities”, any city within this state and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants or any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants. The county’s authority pursuant to this chapter shall be restricted to the unincorporated areas of such county;

(4) “Development plan”, a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) “Legislative authority”, the city council or board of aldermen of the cities affected by this chapter;

(6) “Mortgage”, a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) “Real property” includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant or otherwise, rights-of-way and terms for years;

(8) “Redevelopment”, the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) “Redevelopment project”, a specific work or improvement to effectuate all or any part of a development plan;

(10) “Urban redevelopment corporation”, a corporation organized pursuant to this chapter; except that any life insurance company organized pursuant to the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project pursuant to this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 22, Page 23, Section 99.847, Lines 34-38, by deleting all of said lines and inserting in lieu thereof the following:

“(7) A home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy

thousand but fewer than eighty-three thousand inhabitants;” and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 22, Page 26, Section 99.848, Line 59, by inserting after all of said line the following:

“135.1610. 1. As used in this section, the following terms mean:

(1) “Eligible expenses”, expenses incurred in the construction or development of establishing an urban farm in a food desert;

(2) “Food desert”, a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population is located at least one-quarter mile away from a full-service grocery store in an urban area;

(3) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(4) “Taxpayer”, any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(5) “Urban area”, an urban place as designated by the United States Census Bureau;

(6) “Urban farm”, an agricultural plot or facility in an urban area that produces agricultural products, as that term is defined in section 262.900. “Urban farm” shall include, but not be limited to, community-run gardens.

2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the taxpayer’s eligible expenses for establishing an urban farm in a food desert.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability in the tax year for which the credit is claimed, and the taxpayer shall not be allowed to claim a tax credit under this section in excess of one thousand dollars for each urban farm. However, any tax credit that cannot be claimed in the tax year the contribution is made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed one hundred thousand dollars in any calendar year.

5. Tax credits issued under the provisions of this section shall not be sold, assigned, or otherwise transferred.

6. The department of revenue and the department of agriculture may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective

only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall be construed to prevent a taxpayer from claiming a tax credit properly issued before the program is sunset in a tax year after the program is sunset.

261.021. 1. As used in this section, the term “socially disadvantaged community” means an area containing a group of individuals whose members have been subjected to racial or ethnic prejudice because of the identity of such individuals as members of a group without regard to the individual qualities of such individuals.

2. There is hereby created within the department of agriculture the “Socially Disadvantaged Communities Outreach Program” to connect historically unserved and underserved urban communities with access to healthy fresh food and knowledge and skills related to food production.

3. The outreach program shall:

(1) Provide financial assistance for people growing food in socially disadvantaged communities through programs such as those authorized in section 135.1610;

(2) Encourage activities that support and promote urban agriculture in socially disadvantaged communities;

(3) Provide educational and skills training related to food production in socially disadvantaged communities; and

(4) Address food deserts in urban socially disadvantaged communities.

4. The department shall designate an employee to administer and monitor the socially disadvantaged communities outreach program and to serve as a liaison to affected communities. The duties of such employee shall include, but not be limited to:

(1) Providing leadership at the state level to encourage participation in programs to meet the goals under subsections 2 and 3 of this section;

(2) Conducting workshops and other sessions that provide educational and skills training related to food production to residents of socially disadvantaged communities; and

(3) Seeking grants, private donations, or other funding sources to support the socially disadvantaged communities outreach program.

5. On or before December thirty-first of each year, the department shall submit a report to the general assembly detailing the number of residents who received training under this section, the number of tax credits issued under section 135.1610, and any recommendations for legislative action to improve the program.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 9**. Representatives: Fitzwater, Gregory (51), Davidson, Rogers, Doll.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 86**, as amended: Senators Hegeman, Koenig, Rowden, Arthur and Rizzo.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 9**, as amended: Senators Riddle, White, Onder, Beck and Washington.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended, for **SCS** for **HCS** for **HB 697** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 697**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 365**, entitled:

An Act to repeal sections 92.111, 137.280, 143.121, 143.171, and 620.2020, RSMo, and to enact in lieu thereof seven new sections relating to taxation, with an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment Nos. 9, 10, 11 and 12.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 365, Page 2, Section 92.117, Line 21, by inserting after all of said line the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor’s books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) “Tax revenue”, when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term “tax revenue” shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013 [or as excess home dock city or county fees as provided in subsection 4 of section 313.820] in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term “tax revenue”, as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor’s books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after

August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in Section 22 of Article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. For school districts that levy separate tax rates on each subclass of real property and personal property in the aggregate, if voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be applied to the different subclasses of real property and personal property in the aggregate, or increases the separate rates that may be levied on the different subclasses of real property and personal property in the aggregate by different amounts, the tax rate that shall be used for the single tax rate calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property,

which shall be separately estimated in addition to other data required in complying with section 164.011, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and Section 22 of Article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section 353.110 shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 14 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for

each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and Section 22, Article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and Section 22 of Article X of the Missouri Constitution, the term “property” means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and Section 22 of Article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section and Section 22 of Article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved

increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The provisions of subdivision (2) of this subsection notwithstanding, if, prior to the expiration of a temporary levy increase, voters approve a subsequent levy increase, the new tax rate ceiling shall remain in effect only until such time as the temporary levy expires under the terms originally approved by a vote of the people, at which time the tax rate ceiling shall be decreased by the amount of the temporary levy increase. If, prior to the expiration of a temporary levy increase, voters of a political subdivision are asked to approve an additional, permanent increase to the political subdivision's tax rate ceiling, voters shall be submitted ballot language that clearly indicates that if the permanent levy increase is approved, the temporary levy shall be made permanent.

(4) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision [(4)] (5) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

[(4)] (5) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall

round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

(3) In the event that the taxing authority incorrectly completes the forms created and promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing authority may submit amended forms with an explanation for the needed changes. If such amended forms are filed under regulations prescribed by the state auditor, the state auditor shall take into consideration such amended forms for the purposes of this subsection.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will

fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 365, Page 10, Section 143.171, Line 43, by inserting after all of said section and line the following:

“190.089. 1. A home rule city with more than sixty-five thousand seven hundred but fewer than seventy-three thousand inhabitants and located in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants that is located within an ambulance district may file with the ambulance district’s board of directors a notice of intention of detachment stating the city’s intent that the area located within the city and the ambulance district is to be excluded and taken from the district. The filing of a notice of intention of detachment must be authorized by ordinance. Such notice of intention of detachment shall describe

the subject area to be excluded from the ambulance district in the form of a legal description and map.

2. After filing the notice of intention of detachment with the ambulance district, the city shall conduct a public hearing on the notice of intention of detachment and give notice by publication in a newspaper of general circulation qualified to publish legal matters in the county where the subject area is located, at least once a week for three consecutive weeks prior to the hearing, with the last notice being not more than twenty days and not less than ten days before the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. At the public hearing, the city shall present its reasons why it desires to detach from the ambulance district and its plan to provide or cause to be provided ambulance services to the city.

3. Following the public hearing, the governing body of the city may approve the detachment of the subject area from the ambulance district by enacting an ordinance with a majority of all members of the legislative body of the city voting in favor of the ordinance.

4. Upon duly enacting such detachment ordinance, the city shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city is located and one certified copy to be filed with the election authority if different from the clerk of the county that has jurisdiction over the area being detached.

5. Upon the effective date of the ordinance, which may be up to one year from the date of its passage and approval, the ambulance district shall no longer provide or cause to be provided ambulance services to the city and shall no longer levy and collect any tax upon the property included within the detached area.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 365, Page 10, Section 143.171, Line 43, by inserting after all of said line the following:

“190.839. Sections 190.800 to 190.839 shall expire on September 30, [2021] **2022**.

198.439. Sections 198.401 to 198.436 shall expire on September 30, [2021] **2022**.

208.437. 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director’s designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such

delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of commerce and insurance. The director of the department of commerce and insurance may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, [2021] **2022**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2021] **2022**.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2021] **2022**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2021] **2022**.”; and

Further amend said bill, Page 16, Section 620.2020, Line 245, by inserting after all of said line the following:

633.401. 1. For purposes of this section, the following terms mean:

(1) “Engaging in the business of providing health benefit services”, accepting payment for health benefit services;

(2) “Intermediate care facility for the intellectually disabled”, a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart I;

(3) “Net operating revenues from providing services of intermediate care facilities for the intellectually disabled” shall include, without limitation, all moneys received on account of such services pursuant to rates

of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) “Services of intermediate care facilities for the intellectually disabled” has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility’s assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. Section 1396, et seq., as amended.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the “Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund”, which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit

a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, [2021] **2022.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 365, Page 2, Section 92.117, Line 21, by inserting after all of said line and section the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor’s books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor’s plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location

thereof. As used in this subdivision, the word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than [fifty] **two hundred** hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon

the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or

readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 365, Page 16, Section 620.2020, Line 245, by inserting after all of said section and line the following:

“620.2250. 1. This section shall be known and may be cited as the “Targeted Industrial Manufacturing Enhancement Zones Act”.

2. As used in this section, the following terms shall mean:

(1) “County average wage”, the average wage in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(2) “Department”, the Missouri department of economic development;

(3) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the completion of an agreement pursuant to subsection 6 of this section and no job that is relocated from another location within this state shall be deemed a new job. An employee that spends less than fifty percent of the employee’s work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the county average wage;

(4) “Political subdivision”, a town, village, city, or county located in this state;

(5) “Related facility”, a facility operated by a company or a related company prior to the establishment of the TIME zone in question, and which is directly related to the operations of the facility within the new TIME zone;

(6) “TIME zone”, an area identified through an ordinance or resolution passed pursuant to subsection 4 of this section that is being developed or redeveloped for any purpose so long as any infrastructure or building built or improved is in the development area;

(7) “Zone board”, the governing body of a TIME zone.

3. The governing bodies of at least two contiguous or overlapping political subdivisions in this state may establish one or more TIME zones, which shall be political subdivisions of the state, for the purposes of completing infrastructure projects to promote the economic development of the region. Such zones may only include the area within the governing bodies’ jurisdiction, ownership, or control, and may include any such area. The governing bodies shall determine the boundaries for each TIME zone, and more than one TIME zone may exist within the governing bodies’ jurisdiction or under the governing bodies’ ownership or control, and may be expanded or contracted by resolution of the zone board.

4. (1) To establish a TIME zone, the governing bodies of at least two political subdivisions shall each propose an ordinance or resolution creating such zone. Such ordinance or resolution shall set forth the names of the political subdivisions which will form the TIME zone, the general nature of the proposed improvements, the estimated cost of such improvements, the boundaries of the proposed TIME zone, and the estimated number of new jobs to be created in the TIME zone. Prior to approving such ordinance or resolution, each governing body shall hold a public hearing to consider the creation of the TIME zone and the proposed improvements therein. The governing bodies shall hear and pass upon all objections to the TIME zone and the proposed improvements, if any, and may amend the proposed improvements, and the plans and specifications therefor.

(2) After the passage or adoption of the ordinance or resolution creating the TIME Zone, governance of the TIME zone shall be by the zone board, which shall consist of seven members selected from the political subdivisions creating the TIME zone. Members of a zone board shall receive no salary or other compensation for their services as members, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. The zone board may expand or contract such TIME zone through an ordinance or resolution following a public hearing conducted to consider such expansion or contraction.

5. The boundaries of the proposed TIME zone shall be described by metes and bounds, streets, or other sufficiently specific description.

6. (1) Prior to retaining any state withholding tax pursuant to subsection 9 of this section, a zone board shall enter into an agreement with the department. Such agreement shall include, but shall not be limited to:

(a) The estimated number of new jobs to be created;

(b) The estimated average wage of new jobs to be created;

(c) The estimated net fiscal impact of the new jobs;

(d) The estimated costs of the proposed improvements;

(e) The estimated amount of withholding tax to be retained pursuant to subsection 9 of this section over the period of the agreement; and

(f) A copy of the ordinance establishing the board and a list of its members.

(2) The department shall not approve an agreement with a zone board unless the zone board commits to creating the following number of new jobs:

(a) For a TIME zone with a total population of less than five thousand inhabitants as determined by the most recent decennial census, a minimum of five new jobs with an average wage that equals or exceeds ninety percent of the county average wage;

(b) For a TIME zone with a total population of at least five thousand inhabitants but less than fifty thousand inhabitants as determined by the most recent decennial census, a minimum of ten new jobs with an average wage that equals or exceeds ninety percent of the county average wage;

(c) For a TIME zone with a total population of at least fifty thousand inhabitants but less than one hundred fifty thousand inhabitants as determined by the most recent decennial census, a minimum of fifteen new jobs with an average wage that equals or exceeds ninety percent of the county average

wage; and

(d) For a TIME zone with a total population of at least one hundred fifty thousand inhabitants as determined by the most recent decennial census, a minimum of twenty-five new jobs with an average wage that equals or exceeds ninety percent of the county average wage.

7. (1) The term of the agreement entered into pursuant to subsection 6 of this section shall not exceed ten years. A zone board may apply to the department for approval to renew any agreement. Such application shall be made on forms provided by the department. In determining whether to approve the renewal of an agreement, the department shall consider:

(a) The number of new jobs created and the average wage and net fiscal impact of such jobs;

(b) The outstanding improvements to be made within the TIME zone and the funding necessary to complete such improvements; and

(c) Any other factor the department requires.

(2) The department may approve the renewal of an agreement for a period not to exceed ten years. If a zone board has not met the new job requirements pursuant to subdivision (2) of subsection 6 of this section by the end of the agreement, the department shall recapture from such zone board the amount of withholding tax retained by the zone board pursuant to this section and the department shall not approve the renewal of an agreement with such zone board.

(3) A zone board shall not retain any withholding tax pursuant to this section in excess of the costs of improvements completed by the zone board.

8. If a qualified company is retaining withholding tax pursuant to sections 620.2000 to 620.2020 for new jobs, as such terms are defined in section 620.2005, that also qualify for the retention of withholding tax pursuant to this section, the department shall not authorize an agreement pursuant to this section that results in more than fifty percent of the withholding tax for such new jobs being retained pursuant to this section and sections 620.2000 to 620.2020.

9. Upon the completion of an agreement pursuant to subsection 6 of this section, twenty-five percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within a TIME zone after development or redevelopment has commenced shall not be remitted to the general revenue fund of the state of Missouri. Such moneys shall be deposited into the TIME zone fund established pursuant to subsection 10 of this section for the purpose of continuing to expand, develop, and redevelop TIME zones identified by the zone board, and may be used for managerial, engineering, legal, research, promotion, planning, and any other expenses.

10. There is hereby created in the state treasury the “TIME Zone Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180 to the zone boards of the TIME zones from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section, which shall not exceed ten percent of the total amount collected within the TIME zones of a zone board. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned

on such investments shall be credited to the fund.

11. The zone board shall approve projects consistent with the provisions of this section that begin construction and disburse any money collected under this section. The zone board shall submit an annual budget for the funds to the department explaining how and when such money will be spent.

12. A zone board shall submit an annual report by December thirty-first of each year to the department and the general assembly. Such report shall include, but shall not be limited to:

- (1) The locations of the established TIME zones governed by the zone board;**
- (2) The number of new jobs created within the TIME zones governed by the zone board;**
- (3) The average wage of the new jobs created within the TIME zones governed by the zone board;**
- (4) The improvements utilizing TIME zone funding;**
- (5) The amount of TIME zone funding utilized for each improvement and the total amount of TIME zone funds expended; and**
- (6) The amount of withholding tax retained pursuant to subsection 9 of this section from new jobs created within the TIME zones governed by the zone board.**

13. No political subdivision shall establish a TIME zone with boundaries that overlap the boundaries of an advanced industrial manufacturing zone established pursuant to section 68.075.

14. The total amount of withholding taxes retained by all TIME zones pursuant to the provisions of this section shall not exceed five million dollars per fiscal year.

15. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

16. The provisions of section 23.253 notwithstanding, no TIME zone may be established after August 28, 2024. Any TIME zone created prior to such date shall continue to exist and be coterminous with the retirement of any debts incurred for improvements made within the TIME zone. No debts may be incurred or reauthorized using TIME zone revenue after August 28, 2024.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 365, Page 1, Section A, Line 3, by inserting after all of said section the following:

“67.782. 1. Any county of the third [class having a population of more than ten thousand and less than fifteen thousand] **classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification**

with more than one thousand three hundred fifty but fewer than one thousand five hundred inhabitants as the county seat and any county of the [second class having a population of more than fifty-eight thousand and less than seventy thousand adjacent to such third class county, both counties making up the same judicial circuit,] **first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat** may [jointly] impose a sales tax [throughout each of their respective counties] for public recreational purposes including the financing, acquisition, construction, operation and maintenance of recreational projects and programs, but the sales taxes authorized by this section shall not become effective unless the governing body of [each] such county submits to the voters [of their respective counties] a proposal to authorize the [counties to impose the] sales tax.

2. The ballot of submission shall be in substantially the following form:

Shall the County of _____ impose a sales tax of _____ percent [in conjunction with the county of _____] for the purpose of funding the financing, acquisition, construction, operation and maintenance of recreational projects and programs, including the acquisition of land for such purposes?

☐ YES

☐ NO

If a [separate] majority of the votes cast on the proposal by the qualified voters voting thereon [in each county] are in favor of the proposal, then the tax shall be in effect [in both counties. If a majority of the votes cast by the qualified voters voting thereon in either county are opposed to the proposal, then the governing body of neither county shall have power to impose the sales tax authorized by this section unless or until the governing body of the county that has not approved the tax shall again have submitted another proposal to authorize the governing body to impose the tax, and the proposal is approved by a majority of the qualified voters voting thereon in that county].

3. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Recreation Sales Tax Trust Fund". The moneys in the county recreation sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month by distributing to the county treasurer, or such other officer as may be designated by the county ordinance or order, of each county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the county.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem

dishonored checks and drafts deposited to the credit of such counties. Each county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

6. The tax authorized by this section may be imposed, in accordance with this section, by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

7. Any county imposing a sales tax pursuant to the provisions of this section may contract with the authority of any other county or with any city or political subdivision for the financing, acquisition, operation, construction, maintenance, or utilization of any recreation facility or project or program funded in whole or in part from revenues derived from the tax levied pursuant to the provisions of this section.

8. The sales tax imposed pursuant to the provisions of this section shall expire twenty-five years from the effective date thereof unless an extension of the tax is submitted to and approved by the voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period of ten years.

9. The governing body of each of the counties imposing a sales tax under the provisions of this section may cooperate with the governing body of any county or other political subdivision of this state in carrying out the provisions of this section, and may establish and conduct jointly a system of public recreation. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each.

10. The provisions of this section shall not in any way repeal, affect or limit the powers granted to any county to establish, maintain and conduct parks and other recreational grounds for public recreation.

11. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 365, Page 1, Line 35, by inserting after all of said line the following:

“Further amend said bill, Page 17, Section B, Line 6, by inserting after all of said section and line the following:

“Section C. Under section 23.253 of the Missouri Sunset Act:

(1) The provisions of the new program authorized under Section 288.132 shall automatically sunset 1 year after the effective date of this section, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section, shall automatically sunset 1 year after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 365, Page 10, Section 143.171, Line 43, by inserting after all of said section and line the following:

“288.132. 1. There is hereby created in the state treasury the “Unemployment Automation Fund”, which shall consist of money collected under subsection 1 of section [288.131] **288.133**, and such other state funds appropriated by the general assembly. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purpose of providing automated systems, and the payment of associated costs, to improve the administration of the state’s unemployment insurance program. Notwithstanding the provisions of section 33.080 to the contrary, all moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and money earned on such investments shall be credited to the fund.

2. The unemployment automation fund shall not be used in whole or in part for any purpose or in any manner that would permit its substitution for, or a corresponding reduction in, federal funds that would be available in its absence to finance expenditures for the administration of this chapter, or cause the appropriate agency of the United States government to withhold any part of an administrative grant which would otherwise be made.

288.133. 1. Each employer liable for contributions under this chapter, except for any employer with a contribution rate equal to zero, shall pay an annual unemployment automation adjustment in an amount equal to fifteen-thousandths of one percent of such employer’s total taxable wages for the twelve-month period ending the preceding June thirtieth.

2. Notwithstanding subsection 1 of this section to the contrary, the division may reduce the automation adjustment percentage to ensure that the total amount of adjustment due from all employers under this section shall not exceed five million dollars annually.

3. Each employer required to pay an automation adjustment shall be notified of the amount due under this section by March thirty-first of each year, and such amount shall be considered delinquent thirty days thereafter. Delinquent unemployment automation adjustment amounts may be collected in the manner provided under sections 288.160 and 288.170. All moneys collected under this section shall be deposited in the unemployment automation fund established in section 288.132.

4. For the first quarter of each calendar year, the total amount of contributions otherwise due from an employer required to pay contributions under this chapter shall be reduced by the dollar amount of unemployment automation adjustment due from such employer under subsection 1 of this section; provided, however, that the amount of contributions due from such employer for the first quarter of the calendar year in question shall not be reduced below zero.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 365, Page 2, Section 92.117, Line 21, by inserting after all of said section and line the following:

“135.1610. 1. As used in this section, the following terms mean:

(1) “Eligible expenses”, expenses incurred in the construction or development of establishing an urban farm in a food desert;

(2) “Food desert”, a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population is located at least one-quarter mile away from a full-service grocery store in an urban area;

(3) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(4) “Taxpayer”, any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(5) “Urban area”, an urban place as designated by the United States Census Bureau;

(6) “Urban farm”, an agricultural plot or facility in an urban area that produces agricultural products, as that term is defined in section 262.900. “Urban farm” shall include, but not be limited to, community-run gardens.

2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the taxpayer’s eligible expenses for establishing an urban farm in a food desert.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability in the tax year for which the credit is claimed, and the taxpayer shall not be allowed to claim a tax credit under this section in excess of one thousand dollars for each urban farm. However, any tax credit that cannot be claimed in the tax year the contribution is made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed one hundred thousand dollars in any calendar year.

5. Tax credits issued under the provisions of this section shall not be sold, assigned, or otherwise transferred.

6. The department of revenue and the department of agriculture may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section

536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall be construed to prevent a taxpayer from claiming a tax credit properly issued before the program is sunset in a tax year after the program is sunset.”; and

Further amend said bill, Page 10, Section 143.171, Line 43, by inserting after all of said section and line the following:

“261.021. 1. As used in this section, the term “socially disadvantaged community” means an area containing a group of individuals whose members have been subjected to racial or ethnic prejudice because of the identity of such individuals as members of a group without regard to the individual qualities of such individuals.

2. There is hereby created within the department of agriculture the “Socially Disadvantaged Communities Outreach Program” to connect historically unserved and underserved urban communities with access to healthy fresh food and knowledge and skills related to food production.

3. The outreach program shall:

(1) Provide financial assistance for people growing food in socially disadvantaged communities through programs such as those authorized in section 135.1610;

(2) Encourage activities that support and promote urban agriculture in socially disadvantaged communities;

(3) Provide educational and skills training related to food production in socially disadvantaged communities; and

(4) Address food deserts in urban socially disadvantaged communities.

4. The department shall designate an employee to administer and monitor the socially disadvantaged communities outreach program and to serve as a liaison to affected communities. The duties of such employee shall include, but not be limited to:

(1) Providing leadership at the state level to encourage participation in programs to meet the goals under subsections 2 and 3 of this section;

(2) Conducting workshops and other sessions that provide educational and skills training related

to food production to residents of socially disadvantaged communities; and

(3) Seeking grants, private donations, or other funding sources to support the socially disadvantaged communities outreach program.

5. On or before December thirty-first of each year, the department shall submit a report to the general assembly detailing the number of residents who received training under this section, the number of tax credits issued under section 135.1610, and any recommendations for legislative action to improve the program.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 365, Page 10, Section 143.171, Line 43, by inserting after all of said section and line the following:

“144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of “retail sale” or “sale at retail” shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer’s trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer’s trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder’s interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner’s interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable

nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; [or]

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes;

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or

(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended[.];

(14) The purchase by a grocery store of food that is intended for resale but that cannot be resold because of theft or because the food has become spoiled and would not be safe for consumption; or

(15) The purchase by a retailer of products that are intended for resale but that cannot be resold because of theft or because the product is damaged and cannot be resold.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of

Missouri sales or use tax.

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law, sections 281.220 to 281.310, which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product

and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. For the purposes of this subdivision, subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term “product” includes telecommunications services and the term “manufacturing” shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term “manufacturing” has included and continues to include the production and transmission of “telecommunications services”, as enacted in this subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (5) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court’s interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as

common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(18) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen,

home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and

equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's

spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued

by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(40) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(43) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or

a corporation that is not incorporated in this state;

(44) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the

Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016;

(46) All sales relating to the rental of a room that take place at a wedding venue. For purposes of this subdivision, the term “wedding venue” shall mean the site at which a wedding ceremony or reception that is held within six months of the date of marriage is conducted. An affidavit shall swear or affirm by the spouses entering into the marriage that the rental of the room is for the purposes set forth in this subdivision for a wedding venue and said venue shall maintain this affidavit for a period of three years.

(47) Charges or fees for volleyball leagues; and

(48) Rentals of campgrounds.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state’s executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an “affiliated person” means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 365, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“67.1011. 1. The governing body of any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the third classification with a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants may impose a tax as provided in this section.

2. The governing body of any city described under subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the

city, which shall be no more than six percent per occupied room per night. The tax shall not become effective unless the governing body of the city submits to the voters of the city at an election a question to authorize the governing body of the city to impose the tax. The tax shall be in addition to the charge for the sleeping room and shall be in addition to any and all other taxes. The tax shall be stated separately from all other charges and taxes.

3. The question for the tax shall be in substantially the following form:

Shall _____ (city name) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in _____ (city name) at a rate of _____ percent? ☐ YES ☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting thereon.

4. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

67.1013. 1. The governing body of any city of the fourth classification with more than ten thousand but fewer than eleven thousand four hundred inhabitants and located in any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants may impose a tax as provided in this section.

2. The governing body of any city described under subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall be no more than six percent per occupied room per night. The tax shall not become effective unless the governing body of the city submits a question to the voters of the city at an election to authorize the governing body of the city to impose the tax and the voters approve the question. The tax shall be in addition to the charge for the sleeping room and shall be in addition to any and all other taxes. The tax shall be stated separately from all other charges and taxes.

3. The question for the tax shall be in substantially the following form:

Shall _____ (city name) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in _____ (city name) at a rate of _____ percent?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting thereon.

4. As used in this section, “transient guests” means a person or persons who occupy a room or

rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

67.1360. 1. The governing body of the following cities and counties may impose a tax as provided in this section:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
- (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of

government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than

fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt;

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; [or]

(37) Any city with more than four thousand but fewer than five thousand five hundred inhabitants and located in any county of the fourth classification with more than thirty thousand but fewer than forty-two thousand inhabitants;

(38) Any city of the third classification with more than nine thousand but fewer than ten thousand inhabitants and located in more than one county; or

(39) Any city of the third classification with more than two thousand one hundred but fewer than

two thousand four hundred inhabitants and partially located in any county of the third classification with a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants.

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns, and campgrounds and any docking facility that rents slips to recreational boats that are used by transients for sleeping, which shall be at least two percent but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill, Page 2, Section 92.117, Line 21, by inserting after all of said section and line the following:

“94.834. 1. The governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, the governing body of any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants, [and] the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants, **and the governing body of any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located partially in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants and partially in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

94.838. 1. As used in this section, the following terms mean:

(1) “Food”, all articles commonly used for food or drink, including alcoholic beverages, the provisions of chapter 311 notwithstanding;

(2) “Food establishment”, any café, cafeteria, lunchroom, or restaurant which sells food at retail;

(3) “Municipality”, any [village or fourth class city with more than two hundred but less than three hundred inhabitants and located in any county of the third classification with a township form of government and with more than twelve thousand five hundred but less than twelve thousand six hundred inhabitants] **city of the fourth class with more than one hundred sixty but fewer than one hundred eighty inhabitants and located in any county of the third classification with a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;**

(4) “Transient guest”, a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

2. The governing body of any municipality may impose, by order or ordinance:

(1) A tax, not to exceed six percent per room per night, on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the municipality or a portion thereof; and

(2) A tax, not to exceed [two] **six** percent, on the gross receipts derived from the retail sales of food by every person operating a food establishment in the municipality.

The taxes shall be imposed solely for [the purpose of funding the construction, maintenance, and operation of capital improvements] **general revenue purposes**. The order or ordinance shall not become effective unless the governing body of the municipality submits to the voters of the municipality at a state general or primary election a proposal to authorize the governing body of the municipality to impose taxes under this section. The taxes authorized in this section shall be in addition to the charge for the sleeping room, the retail sales of food at a food establishment, and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

3. The ballot of submission for the taxes authorized in this section shall be in substantially the following form:

Shall _____ (insert the name of the municipality) impose a tax on the charges for all retail sales

of food at a food establishment situated in _____ (name of municipality) at a rate of _____ (insert rate of percent) percent, and for all sleeping rooms paid by the transient guests of hotels and motels situated in _____ (name of municipality) at a rate of _____ (insert rate of percent) percent, solely for the purpose of [funding the construction, maintenance, and operation of capital improvements] **increasing general revenue funds?**

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the taxes shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the taxes. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the taxes shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. Any tax on the retail sales of food imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087, and any transient guest tax imposed under this section shall be administered, collected, enforced, and operated by the municipality imposing the tax. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. Once the initial bonds, if any, have been satisfied, then the governing body of any municipality that has adopted the taxes authorized in this section may submit the question of repeal of the taxes to the voters on any date available for elections for the municipality. The ballot of submission shall be in substantially the following form:

Shall _____ (insert the name of the municipality) repeal the taxes imposed at the rates of _____ (insert rate of percent) and _____ (insert rate of percent) percent for the purpose of [funding the construction, maintenance, and operation of capital improvements] **increasing general revenue funds?**

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body of any municipality that has adopted the taxes authorized in this section receives a petition, signed by ten percent of the registered voters of the municipality voting in the last gubernatorial election, calling for an election to repeal the taxes imposed under this section, the governing body shall submit to the voters of the municipality a proposal to repeal the taxes. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by

the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

94.842. 1. The governing body of any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall not be more than two and one-half percent per occupied room per night. Such tax shall only become effective if the governing body of the city submits a proposal to the voters of the city at a general election that authorizes the governing body of the city to impose a tax under the provisions of this section and the voters approve such proposal. The tax authorized under this section shall be in addition to the charge for a sleeping room and shall be in addition to any and all taxes imposed by law. The revenue of such tax shall be used solely for capital improvements that can be demonstrated to increase the number of overnight visitors. Such tax shall be stated separately from all other charges and taxes.

2. The proposal shall be submitted in substantially the following form:

Shall the city of _____ levy a tax of ____ percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the city, whose revenue shall be dedicated to capital improvements to increase tourism?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election is held. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, the governing body for the city shall have no power to impose the tax authorized by this section unless and until the governing body of the city again submits the proposal to the qualified voters of the city and such proposal is approved by a majority of the qualified voters voting thereon.

3. After the approval of a proposal but before the effective date of a tax authorized under this section, the city shall adopt one of the following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue for the purpose of collecting the tax authorized under this section. If a city enters into an agreement with the director of revenue for the collection of the tax authorized in this section, the director shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized under this section. The tax authorized under this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue may retain up to one percent for cost of collection.

4. The city shall post on the official city website information about the tax including, but not limited to, the rate imposed and the capital improvements for which the revenue has been or will be used.

5. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel, motel, or tourist court for less than thirty-one consecutive days.

94.1014. 1. (1) The governing body of any city of the fourth classification with more than three thousand seven hundred but fewer than four thousand inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall not be more than five percent per occupied room per night.

(2) The tax shall not become effective unless the governing body of the city, on a general election day not earlier than the 2022 general election, submits to the voters of the city a proposal to authorize the city to impose a tax under this section and the voters approve the tax.

(3) The tax shall be in addition to the charge for the sleeping room and all other taxes imposed by law. The tax shall be stated separately from all other charges and taxes.

(4) The proceeds of the tax shall be used by the city for the promotion of tourism; growth of the region; economic development purposes; and public safety purposes including, but not limited to, equipment expenditures, employee salaries and benefits, and facilities for police, firefighters, or emergency medical providers.

2. The ballot language for authorization of the tax shall be in substantially the following form:

Shall _____ (name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in _____ (name of the city) at a rate of _____ percent for the promotion of tourism, growth of the region, economic development, and public safety?

☐ **YES**

☐ **NO**

If a majority of the votes cast on the proposal by qualified voters approve the proposal, the tax shall become effective on the first day of the second calendar quarter following the election. If a majority of the votes cast on the proposal by qualified voters oppose the proposal, the tax shall not become effective unless and until the proposal is again submitted to the voters of the city and is approved by a majority of the qualified voters voting thereon.

3. The governing body of any city authorized to levy a sales tax pursuant to this section shall include information on the city’s website on the tax rate and the purposes for which the tax is levied.

4. As used in this section, “transient guest” means any person who occupies a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 365, Page 10, Section 143.171, Line 43, by inserting after all of said section and line the following:

“620.1039. 1. As used in this section, the [term] following terms shall mean:

(1) “Additional qualified research expenses”, the difference between qualified research expenses,

as certified by the director of economic development, incurred in a tax year subtracted by the average of the taxpayer's qualified research expenses incurred in the three immediately preceding tax years;

(2) "Minority business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a minority;

(b) A partnership or joint venture owned and controlled by minorities in which at least fifty-one percent of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it and that is at least fifty-one percent owned by one or more minorities or, if stock is issued, at least fifty-one percent of the stock is owned by one or more minorities;

(3) "Missouri qualified research and development equipment", tangible personal property that has not previously been used in this state for any purpose and is acquired by the purchaser for the purpose of research and development activities devoted to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products;

(4) "Qualified research expenses", for expenses within this state, the same meaning as prescribed in 26 U.S.C. 41;

(5) "Small business", a corporation, partnership, sole proprietorship or other business entity, including its affiliates, that:

(a) Is independently owned and operated; and

(b) Employs fifty or fewer full-time employees;

(6) "Taxpayer" [means], an individual, a partnership, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation as described in section 143.441 or 143.471, or section 148.370[, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41];

(7) "Women's business enterprise", a business that is:

(a) A sole proprietorship owned and controlled by a woman;

(b) A partnership or joint venture owned and controlled by women in which at least fifty-one percent of the ownership interest is held by women and the management and daily business operations of which are controlled by one or more of the women who own it; or

(c) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it and that is at least fifty-one percent owned by women or, if stock is issued, at least fifty-one percent of the stock is owned by one or more women.

2. (1) For tax years beginning on or after January 1, 2001, and ending before January 1, 2005, the director of the department of economic development may authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, or chapter 148, other than the taxes withheld pursuant to

sections 143.191 to 143.265, in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years.

(2) For all tax years beginning on or after January 1, 2022, the director of economic development may authorize a taxpayer to receive a tax credit against the tax otherwise due under chapters 143 and 148, other than the taxes withheld under sections 143.191 to 143.265 in an amount equal to the greater of:

(a) Fifteen percent of the taxpayer's additional qualified research expenses; or

(b) If such qualified research expenses relate to research conducted in conjunction with a public or private college or university located in this state, twenty percent of the taxpayer's additional qualified research expenses.

However, in no case shall a tax credit be allowed for any portion of qualified research expenses that exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the three immediately preceding tax years.

3. The director of economic development shall prescribe the manner in which the tax credit may be applied for. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143 or chapter 148 that becomes due in the tax year during which such qualified research expenses were incurred. **For tax years ending before January 1, 2005,** where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. **For all tax years beginning on or after January 1, 2022, where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next twelve succeeding tax years or until the full credit has been claimed, whichever occurs first.** The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. **(1)** Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

(2) Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

5. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.] **Purchases of Missouri qualified research and development equipment are hereby specifically exempted from all state and local sales and use tax including, but not limited to, sales and use tax authorized or imposed under section 32.085 and chapter 144.**

6. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.1039. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. (1) For tax years ending before January 1, 2005, the aggregate of all tax credits authorized pursuant to this section shall not exceed nine million seven hundred thousand dollars in any year.

(2) (a) For all tax years beginning on or after January 1, 2022, the aggregate of all tax credits authorized under this section shall not exceed ten million dollars in any year.

(b) Five million dollars of such ten million dollars shall be reserved for minority business enterprises, women's business enterprises, and small businesses. Any reserved amount not issued or awarded to a minority business enterprise, women's business enterprise, or small business by November first of the tax year may be issued to any taxpayer otherwise eligible for a tax credit under this section.

(c) No single taxpayer shall be issued or awarded more than three hundred thousand dollars in tax credits under this section in any year.

(d) In the event that total eligible claims for credits received in a calendar year exceed the annual cap, each eligible claimant shall be issued credits based upon a pro-rata basis, given that all new businesses, defined as a business less than five years old, are issued full tax credits first.

[7. For all tax years beginning on or after January 1, 2005, no tax credits shall be approved, awarded,

or issued to any person or entity claiming any tax credit under this section.]

8. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset December thirty-first, six years after the effective date of this section;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset December thirty-first, twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SS for SCS for SB 57.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 57, Page 3, Section 590.1922, Line 66, by inserting after said section and line the following:

“590.502. 1. For purposes of this section, the following shall mean:

(1) “Administering authority”, any individual or body authorized by a law enforcement agency to hear and make final decisions regarding appeals of disciplinary actions issued by such agency;

(2) “Color of law”, any act by a law enforcement officer, whether on duty or off duty, that is performed in furtherance of his or her sworn duty to enforce laws and to protect and serve the public;

(3) “Economic loss”, any economic loss including, but not limited to, loss of overtime accrual, overtime income, sick time accrual, sick time, secondary employment income, holiday pay, and vacation pay;

(4) “Good cause”, sufficient evidence or facts that would support a party’s request for extensions of time or any other requests seeking accommodations outside the scope of the rules set out herein;

(5) “Law enforcement officer”, any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84. “Law enforcement officer” shall not include any officer who is the highest ranking officer in the law enforcement agency.

2. Whenever a law enforcement officer is under administrative investigation or is subjected to administrative questioning that the officer reasonably believes could lead to disciplinary action,

demotion, dismissal, transfer, or placement on a status that could lead to economic loss, the investigation or questioning shall be conducted under the following conditions:

(1) The law enforcement officer who is the subject of the investigation shall be informed, in writing, of the existence and nature of the alleged violation and the individuals who will be conducting the investigation. Notice shall be provided to the officer along with a copy of the complaint at least twenty-four hours prior to any interrogation or interview of the officer;

(2) Any person, including members of the same agency or department as the officer under investigation, filing a complaint against a law enforcement officer shall have the complaint supported by a written statement outlining the complaint that includes the personal identifying information of the person filing the complaint. All personal identifying information shall be held confidential by the investigating agency;

(3) When a law enforcement officer is questioned or interviewed regarding matters pertaining to his or her law enforcement duties or actions taken within the scope of his or her employment, such questioning shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances exist that necessitate questioning the officer while he or she is off duty;

(4) Any interviews or questioning shall be conducted at a secure location at the agency that is conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location;

(5) Law enforcement officers shall be questioned by up to two investigators and shall be informed of the name, rank, and command of the investigator or investigators conducting the investigation; except that, separate investigators shall be assigned to investigate alleged department policy violations and alleged criminal violations;

(6) Interview sessions shall be for a reasonable period of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary;

(7) Prior to an interview session, the investigator or investigators conducting the investigation shall advise the law enforcement officer of the rule set out in *Garrity v. New Jersey*, 385 U.S. 493 (1967), specifically that the law enforcement officer is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in criminal proceedings;

(8) Law enforcement officers shall not be threatened, harassed, or promised rewards to induce them into answering any question; except that, law enforcement officers may be compelled by their employer to give protected *Garrity* statements to an investigator under the direct control of the employer, but such compelled statements shall not be used or derivatively used against the officer in any aspect of a criminal case brought against the officer;

(9) Law enforcement officers under investigation are entitled to have an attorney or any duly authorized representative present during any questioning that the law enforcement officer reasonably believes may result in disciplinary action. The attorney or representative shall be permitted to confer with the officer but shall not unduly disrupt or interfere with the interview. The questioning shall be suspended for a period of up to twenty-four hours if the officer requests representation;

(10) Prior to the law enforcement officer being interviewed, the officer and his or her attorney or representative shall have the opportunity to review the complaint;

(11) The law enforcement agency conducting the investigation shall have ninety days from receipt of a citizen complaint to complete such investigation. The agency shall determine the disposition of the complaint and render a disciplinary decision, if any, within ninety days. The agency may, for good cause, petition the administering authority overseeing the administration of discipline for an extension of time to complete the investigation. If the administering authority finds the agency has shown good cause for the granting of an extension of time to complete the investigation, the administering authority shall grant an extension of up to sixty days. The agency is limited to two extensions per investigation; except that, if there is an ongoing criminal investigation there shall be no limitation on the amount of sixty-day extensions. For good cause shown, the internal investigation may be tolled until the conclusion of a concurrent criminal investigation arising out of the same alleged conduct. Absent consent from the officer being investigated, the administering authority overseeing the administration of discipline shall set the matter for hearing and shall provide notice of the hearing to the law enforcement officer under investigation. The officer shall have the right to attend the hearing and to present evidence and arguments against extension;

(12) Within five days of the conclusion of the administrative investigation, the investigator shall inform the officer, in writing, of the investigative findings and any recommendation for further action, including discipline;

(13) A complete record of the administrative investigation shall be kept by the law enforcement agency conducting such investigation. Upon completion of the investigation, a copy of the entire record, including, but not limited to, audio, video, and transcribed statements, shall be provided to the officer or the officer's representative within five business days of the officer's written request. The agency may request a protective order to redact all personal identifying witness information; and

(14) All records compiled as a result of any investigation subject to the provisions of this section shall be held confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order, by release approved by the officer, or as provided in section 590.070.

3. Law enforcement officers who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss shall be entitled to a full due process hearing. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided for this section. The components of the hearing shall include, at a minimum:

(1) The right to be represented by an attorney or other individual of their choice during the hearing;

(2) Seven days' notice of the hearing date and time;

(3) An opportunity to access and review documents, at least seven days in advance of the hearing, that are in the employer's possession and that were used as a basis for the disciplinary action;

(4) The right to refuse to testify at the hearing if the officer is concurrently facing criminal charges in connection with the same incident. A law enforcement officer's decision not to testify shall not result in additional internal charges or discipline;

(5) A complete record of the hearing shall be kept by the agency for purposes of appeal. The record shall be provided to the officer or his or her attorney upon written request;

(6) The entire record of the hearing shall remain confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order.

4. Any decision, order, or action taken following the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, shall be delivered or mailed promptly to the law enforcement officer or to the officer's attorney or representative of record.

5. Law enforcement officers shall have the opportunity to provide a written response to any adverse materials placed in their personnel file, and such written response shall be permanently attached to the adverse material.

6. Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

7. Employers shall defend and indemnify law enforcement officers from and against civil claims made against them in their official and individual capacities if the alleged conduct arose in the course and scope of their obligations and duties as law enforcement officers. This includes any actions taken off duty if such actions were taken under color of law. In the event the law enforcement officer is convicted of, or pleads guilty to, criminal charges arising out of the same conduct, the employer shall no longer be obligated to defend and indemnify the officer in connection with related civil claims.

8. Law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or placed on a status resulting in economic loss as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrong-doing, in which case the provisions of this section shall not apply.

9. Any aggrieved law enforcement officer or authorized representative may seek judicial enforcement of the requirements of this section. Suits to enforce this section shall be brought in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business.

10. Upon a finding by a preponderance of the evidence that a law enforcement agency, governmental body, or member of same has violated any provision of this section, a court shall void any action taken in violation of this section. The court may also award the law enforcement officer the costs of bringing the suit including, but not limited to, attorneys' fees. A lawsuit for enforcement shall be brought within one year from which the violation is ascertainable.

11. Nothing in this section apply to any investigation or other action action by the director regarding a license issued by the director under this chapter.

12. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gannon, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 303**, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 303**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 303, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 303, as amended;
2. That the Senate recede from its position on Senate Bill No. 303;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 303 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Elaine Gannon
/s/ Paul Wieland
/s/ Mike Bernskotter
/s/ Doug Beck
/s/ Steve Roberts

FOR THE HOUSE:

/s/ Mike Henderson
/s/ Rudy Veit
/s/ Kurtis Gregory
/s/ Mark Ellebracht
/s/ Robert Sauls

Senator Gannon moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senator Washington—1

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Gannon, **CCS** for **HCS** for **SB 303**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 303**

An Act to repeal sections 287.170, 287.180, 287.220, 287.280, 287.480, and 287.715, RSMo, and to enact in lieu thereof six new sections relating to workers’ compensation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gannon, title to the bill was agreed to.

Senator Gannon moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Eslinger, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 72**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 72

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 72, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment No. 2, House Amendment Nos. 1 and 2 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4, 5, 6, and 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8 as amended, House Amendment Nos. 1, 2, and 3 to House Amendment No. 9, House Amendment No. 9 as amended, House Amendment No. 10, House Amendment Nos. 1 and 2 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 12, House Amendment No. 12 as amended, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 14 as amended, and House Amendment No. 17, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 72, as amended;
2. That the Senate recede from its position on Senate Bill No. 72;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill

No. 72 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Karla Eslinger
/s/ Sandy Crawford
/s/ Mike Bernskoetter
/s/ Greg Razer
/s/ Angela Mosley

FOR THE HOUSE:

/s/ Travis Smith (155)
/s/ Louis Riggs
/s/ Andrew McDaniel
/s/ Kimberly-Ann Collins
/s/ Rasheen Aldridge

Senator Eslinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Beck Onder—2

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Eslinger, **CCS** for **HCS** for **SB 72**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 72

An Act to amend chapters 9 and 10, RSMo, by adding thereto eleven new sections relating to state designations.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Beck Onder—2

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Eslinger, title to the bill was agreed to.

Senator Eslinger moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **HB 948**, **SS** for **SCS** for **HS** for **HB 432**, and **SS** for **HCS** for **HB 66**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator White moved that **SS** for **SCS** for **HS** for **HB 432** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HB 432** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hough	Luetkemeyer	May	Mosley	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—24				

NAYS—Senators

Brattin	Burlison	Eigel	Hoskins	Koenig	Moon	O’Laughlin
Rehder—8						

Absent—Senator Onder—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hough	Koenig	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—26		

NAYS—Senators

Brattin	Burlison	Eigel	Hoskins	Moon	Onder	Rehder—7
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Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Koenig moved that **SS** for **HCS** for **HB 66** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HB 66** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	May	Moon	Mosley	O'Laughlin	Razer	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	Washington	White
Wieland	Williams—30					

NAYS—Senator Rehder—1

Absent—Senators

Luetkemeyer	Onder—2
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Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Wieland moved that the Senate refuse to concur in **SB 365**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SCS** for **HB 273**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **SCS** for **HB 273**.

PRIVILEGED MOTIONS

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 273** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 273

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 273, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 273, as amended;
2. That the House recede from its position on House Bill No. 273;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 273, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Thomas Hannegan
/s/ Phil Christofanelli
/s/ Jeff Knight
/s/ Richard Brown
/s/ Patty Lewis

FOR THE SENATE:

/s/ Jeanie Riddle
/s/ Rick Brattin
/s/ Karla Eslinger
/s/ Lauren Arthur
/s/ Greg Razer

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O'Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senator May—1

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Riddle, **CCS** for **SS No. 2** for **SCS** for **HB 273**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 273

An Act to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirty-one new sections relating to professional registration, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O'Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Washington
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senator May—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Koenig moved that the Senate refuse to concur in **SS** for **SB 22**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 258**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

Senator Rehder moved that **HS** for **HB 297**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Rehder, **SS** for **HS** for **HB 297** was withdrawn, rendering **SA 1** moot.

Senator Rehder offered **SS No. 2** for **HS** for **HB 297**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 297

An Act to repeal sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty new sections relating to institutions of higher education.

Senator Rehder moved that **SS No. 2** for **HS** for **HB 297** be adopted.

Senator Eslinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Substitute for House Bill No. 297, Page 13, Section 166.502, Line 35, by inserting after all of said line the following:

“170.029. 1. The state board of education shall develop a statewide plan for career and technical education (CTE) that ensures sustainability, viability, and relevance by matching workforce needs with appropriate educational resources.

2. The state board of education, in consultation with the career and technical education advisory council as established in section 178.550, shall establish minimum requirements for a [career and technical education (CTE)] **CTE** certificate that a student can earn in addition to [his or her] **the student’s** high school graduation diploma. Students entering high school in school year 2017-18 and thereafter shall be eligible to earn a CTE certificate.

[2.] **3.** The [state board of education] **statewide plan** shall establish CTE requirements intended to provide students with the necessary technical employability skills to be prepared for an entry-level career in a technical field or additional training in a technical field. The provisions of this section shall not be considered a means for tracking students in order to impel students to particular vocational, career, or college paths. The state board of education shall work with local school districts to ensure that tracking does not occur. For purposes of this section, “tracking” means separating pupils by academic ability into groups for all subjects or certain classes and curriculum.

[3.] **4.** Each local school district shall determine the curriculum, programs of study, and course offerings based on the needs and interests of the students in the district **and meeting the requirements of the statewide plan**. As required by Missouri’s state plan for career education and the Missouri school improvement program, the state board of education shall work in cooperation with individual school districts to stipulate the minimum number of CTE offerings. Each local school district shall strive to offer programs of study that are economically feasible for students in the district. In establishing CTE offerings, the district may rely on standards, technical coursework, and skills assessments developed for industry-recognized certificates or credentials.

5. To enable school districts to offer CTE programs of study that are current with business and industry standards, the department of elementary and secondary education shall convene work groups from each program area to develop and recommend rigorous and relevant performance standards or course competencies for each program of study. The work groups shall include, but not be limited to, educators providing instruction in each CTE program area, advisors from each CTE program area from the department of elementary and secondary education, the department of higher education and workforce development, business and industry, and institutions of higher education. The department of elementary and secondary education shall develop written model curriculum frameworks relating to CTE program areas that may be used by school districts. The requirements of section 160.514 shall not apply to this section.

[4.] 6. No later than January 1, 2017, the department of elementary and secondary education shall develop a process for recognition of a school district's career and technical education program that offers a career and technical education certificate.

[5.] 7. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Eslinger moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Substitute for House Bill No. 297, Page 24, Section 174.283, Line 4, by inserting after all of said line the following:

“174.285. Harris-Stowe State University is hereby designated and shall hereafter be operated as an institution with a statewide mission in science, technology, engineering, and mathematics (STEM) for underrepresented and underresourced students.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for House Substitute for House Bill No. 297, Page 3, Section 161.625, Line 52, by inserting after all of said line the following:

“162.441. 1. If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes,

upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters **at a state general election**.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district **at a state general election** to attach the district to one or more adjacent seven-director districts and call an election upon the question of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district **at a state general election** to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. **The community college proposing the annexation shall appear at a public meeting of the school district to which the annexation is being proposed to present the annexation proposal. The school board shall invite the community college to make this presentation at a regularly scheduled meeting no more than one hundred twenty days prior and no less than thirty days prior to the election to present the annexation proposal.** The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

5. The question shall be submitted in substantially the following form:

Shall the _____ school district **become a part of and** be annexed to the _____ [school districts] **community college district** effective the _____ day of _____, _____? **If this proposition is approved, the overall tax levy in the school district will increase by the community college tax levy of \$_____ per \$100 of assessed valuation and all residents of the school district will be eligible for reduced community college tuition at the in-district rate.**

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

8. (1) The school board of any school district which has been attached to a community college district or to another seven-director school district pursuant to this section may submit to the voters at a state general election the question of whether to void any annexation completed pursuant to this section and to return the boundaries of such school district to those in existence prior to the annexation. The question shall be submitted in substantially the following form:

Shall the _____ school district void the annexation to the _____ community college district and return the boundaries of such school district to those in existence prior to the annexation?

(2) If a majority of the votes cast in the district proposing to void the annexation favor voiding the annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which the voiding the annexation is proposed. Upon the effective date of a proposal under this subsection, applicable property and money belonging to the school district shall immediately revert back to the school district.

(3) The provisions of this subsection shall only apply to districts attached pursuant to subsection 3 of this section.

(4) The provisions of this subsection shall expire on August 28, 2023.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

Senator Crawford assumed the Chair.

Senator Brattin offered **SA 1 to SA 3:**

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 2 for House Substitute for House Bill No. 297, Page 3, Lines 79-92, by striking all of said lines from the amendment; and

Further amend said amendment, page 4, lines 93-106 by striking all of the underlined words on said lines.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Hough offered **SA 2 to SA 3:**

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 2 for House Substitute for House Bill No. 297, Page 1, Line 13, by striking “state general” and inserting in lieu thereof the following: “**November**”; and further amend said amendment and page, line 17, by striking “state general” and inserting in lieu thereof the following: “**November**”; and further amend said amendment and page, line 25, by striking “state general” and inserting in lieu thereof the following: “**November**”.

Senator Hough moved that the above amendment be adopted, which motion prevailed.

Senator Brattin moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Schupp offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for House Substitute for House Bill No. 297, Pages 23-24, Section 173.1352, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Rehder moved that **SS No. 2** for **HS** for **HB 297**, as amended, be adopted, which motion prevailed.

On motion of Senator Rehder, **SS No. 2** for **HS** for **HB 297**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Koenig	May
Moon	O’Laughlin	Razer	Rehder	Riddle	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Beck	Luetkemeyer	Mosley	Onder	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senator Hough—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rehder, title to the bill was agreed to.

Senator Rehder moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 153** and **97**, entitled:

An Act to repeal sections 32.310, 67.2677, 67.2689, 143.011, 143.031, 143.131, 144.011, 144.014, 144.020, 144.049, 144.054, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003,

144.1006, 144.1009, 144.1012, 144.1015, 287.245, and 320.300, RSMo, and to enact in lieu thereof twenty-six new sections relating to taxation, with penalty provisions and a delayed effective date for certain sections.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 153 and 97, Page 43, Lines 18-21, by deleting all of said lines and inserting in lieu thereof the following:

“Further amend said bill, Page 9-11, Sections 143.011 and 143.031, by deleting all of said sections and inserting in lieu thereof the following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than [five] **seven** reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top

remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.

(5) Provided that there shall be no reduction under this subsection in the 2024 calendar year. However, such reductions shall continue after the 2024 calendar year for subsequent calendar years.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2024 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by one-tenth of one percent.

(2) The modification of tax rates under this subsection shall apply only to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] 6. As used in this section, the following terms mean:

(1) "CPI", the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) "CPI for the preceding calendar year", the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) "Net general revenue collected", all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) "Percent increase in inflation", the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the"; and

Further amend said amendment Page 46, Lines 33-34, by deleting said lines and inserting in lieu thereof the following:

"Further amend said bill, Page 11, Section 143.131, Lines 1-12, by deleting all of said section and line

from the bill and inserting in lieu thereof the following:”; and

Further amend said amendment Page 47, Line 20, by deleting all of said line and inserting in lieu thereof the following:

“accrued in the prior year.

143.177. 1. This section shall be known and may be cited as the “Missouri Working Family Tax Credit Act”.

2. For purposes of this section, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Eligible taxpayer”, a resident individual with a filing status of single, head of household, widowed, or married filing combined who is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and who is allowed a federal earned income tax credit under 26 U.S.C. Section 32, as amended;

(3) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

3. (1) Beginning with the 2023 calendar year, an eligible taxpayer shall be allowed a tax credit in an amount equal to a percentage of the amount such taxpayer would receive under the federal earned income tax credit as such credit existed under 26 U.S.C. Section 32 as of January 1, 2021, as provided pursuant to subdivision (2) of this subsection. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. If the amount of the credit exceeds the tax liability, the difference shall not be refunded to the taxpayer and shall not be carried forward to any subsequent tax year.

(2) Subject to the provisions of subdivision (3) of this subsection, the percentage of the federal earned income tax credit to be allowed as a tax credit pursuant to subdivision (1) of this subsection shall be ten percent, which may be increased to twenty percent subject to the provisions of subdivision (3) of this subsection. The maximum percentage that may be claimed as a tax credit pursuant to this section shall be twenty percent of the federal earned income tax credit that may be claimed by such taxpayer. Any increase in the percentage that may be claimed as a tax credit shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

(3) The initial percentage to be claimed as a tax credit and any increase in the percentage that may be claimed pursuant to subdivision (2) of this subsection shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

4. Notwithstanding the provisions of section 32.057 to the contrary, the department shall determine whether any taxpayer filing a report or return with the department who did not apply for the credit authorized under this section may qualify for the credit and, if so, determines a taxpayer may qualify for the credit, shall notify such taxpayer of his or her potential eligibility. In making a

determination of eligibility under this section, the department shall use any appropriate and available data including, but not limited to, data available from the Internal Revenue Service, the U.S. Department of Treasury, and state income tax returns from previous tax years.

5. The department shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of revenue expended, the number of credits claimed, and the average value of the credits issued to taxpayers whose earned income falls within various income ranges determined by the department.

6. The director of the department may promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

7. Tax credits authorized under this section shall not be subject to the requirements of sections 135.800 to 135.830.”; and”; and

Further amend said amendment, Page 58, Lines 6-30, by deleting all of said lines and inserting in lieu thereof the following:

“Section 1. 1. No later than the first week of November 2021 any county or municipality of this state that has enacted a use tax shall provide notice in the newspaper with the greatest circulation in such county or municipality and on any county or municipality website, provided such website exists, that certain purchases from out-of-state vendors will become subject to an expansion of the use tax as provided by state law. The notice shall be printed in the newspaper at least once per week, for two consecutive weeks. The notice shall include the rates of the use tax in the county or municipality and shall include general information on repealing a local use tax under section 144.761.

2. Nothing under subsection 1 of this section shall be construed to require that duplicate notices be published or to prevent any counties or municipalities from coordinating and collaborating in their notice efforts in order to maximize cost savings to taxpayers.”; and”; and

Further amend said amendment, Page 58, Lines 32-40, by deleting all of said line and inserting in lieu thereof the following:

“Further amend said bill, Page 43, Sections B and C, by deleting all of said sections and inserting in lieu thereof the following:

“Section B. The enactment of sections 143.177, 144.608, 144.637, 144.638, and 144.752 of Section A of this act; the repeal and reenactment of sections 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.140, 144.526, and 144.605 of Section A of this act; and the repeal of sections 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015 of Section A of this act shall become effective January 1, 2023.

Section C. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 143.011, 143.177, 144.011, 144.014, 144.020, 144.049, 144.054, 144.140, 144.526, 144.605, 144.608,

144.637, 144.638, 144.752, and 1 of Section A of this act shall be nonseverable, and if any such provision is for any reason held to be invalid, such decision shall invalidate all of the remaining such provisions.

Section D. Because immediate action is necessary to protect the interests of taxpayers during the COVID-19 pandemic, sections 143.121 and 143.171 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 143.121 and 143.171 of section A of this act shall be in full force and effect upon its passage and approval.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 153 and 97, Page 3, Section 32.310, Line 49, by inserting after all of said section and line the following:

“67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the “Community Improvement District Act”.

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) “Approval” or “approve”, for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) “Assessed value”, the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) “Blighted area”, [an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, sections 99.800 to 99.865, or sections 99.300 to 99.715] **the same meaning as defined pursuant to section 99.805;**

(4) “Board”, if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) “Director of revenue”, the director of the department of revenue of the state of Missouri;

(6) “District”, a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115;

(8) “Municipal clerk”, the clerk of the municipality;

(9) “Municipality”, any city, village, incorporated town, or county of this state, or in any unincorporated

area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) “Owner”, for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) “Per capita”, one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to 448.4-120, “per capita” means one head count applied to the applicable unit owners’ association and not to each unit owner;

(13) “Petition”, a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) “Qualified voters”,

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section

67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, [the improvements] **each improvement** it will make [and] **from the list of allowable improvements under section 67.1461**, an estimate of the costs of these services and improvements to be incurred, **the anticipated sources of funds to pay the costs, and the anticipated term of the sources of funds to pay the costs**;

(e) A statement as to whether the district will be a political subdivision or a not-for-profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district, **which in the case of districts established after August 28, 2021, shall not exceed twenty-seven years from the adoption of the ordinance establishing the district unless the municipality extends the length of time under section 67.1481**;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

- (4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Map and parcel number and assessed value of each tract of real property within the proposed district owned:

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above

COUNTY OF _____)

Before me personally appeared _____, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this day of (month), (year).

My Commission Expires: _____; and

(5) Alternatively, the governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may file a petition to initiate the process to establish a

district in the portion of the city located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants containing the information required in subdivision (3) of this subsection; provided that the only funding methods for the services and improvements will be a real property tax.

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area. If the petition was filed by the governing body of a municipality pursuant to subdivision (5) of subsection 2 of this section, after the close of the public hearing required pursuant to subsection 1 of this section, the petition may be approved by the governing body and an election shall be called pursuant to section 67.1422.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development **and the state auditor**.

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355.

2. (1) The district shall be governed by a board consisting of at least five but not more than thirty directors.

(2) Except as otherwise provided in this subsection, each director shall, during his or her entire term[, be]:

[(1)] **(a) Be** at least eighteen years of age; [and

(2)] **(b) Be** either:

[(a)] **a.** An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

[(b)] **b.** A registered voter residing within the district; and

[(3)] **(c) Satisfy** any other qualifications set forth in the petition establishing the district.

(3) In the case of districts established after August 28, 2021, if there are no registered voters in the district on the date the petition is filed, at least one director shall, during his or her entire term, be a person who:

(a) Resides within the municipality that established the district;

(b) Is qualified and registered to vote under chapter 115 according to the records of the election authority as of the thirtieth day prior to the date of the applicable election;

(c) Has no financial interest in any real property or business operating within the district; and

(d) Is not a relative within the second degree of consanguinity or affinity to an owner of real property or a business operating in the district.

(4) If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition. **However, in the case of districts established after August 28, 2021, if the board is to be elected, the petition shall require at least one member of the board be appointed by the governing body of the municipality in the same manner as provided in this section for board appointments. The appointed board member shall serve a four-year term.**

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected;

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a term for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected.

In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

- (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;
- (2) To sue and be sued;
- (3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;
- (4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;
- (5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;
- (6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;
- (7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;
- (8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;
- (9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;
- (10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;
- (11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:
 - (a) The district's real property, except for public rights-of-way for utilities;
 - (b) The district's personal property, except in a city not within a county; or
 - (c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;
- (12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
- (13) To loan money as provided in sections 67.1401 to 67.1571;
- (14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- (15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has

declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired **public** improvement **specified in the petition or any amendment**;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk café tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district;
and

(29) To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms “telecommunications company” and “telecommunications facilities” are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;

(30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

6. All construction contracts entered into after August 28, 2021, in excess of five thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder. Notice of the letting of the contracts shall be given in the manner provided by section 8.250.

67.1471. 1. The fiscal year for the district shall be the same as the fiscal year of the municipality.

2. No earlier than one hundred eighty days and no later than ninety days prior to the first day of each fiscal year, the board shall submit to the governing body of the city a proposed annual budget, setting forth expected expenditures, revenues, and rates of assessments and taxes, if any, for such fiscal year. The governing body may review and comment to the board on this proposed budget, but if such comments are given, the governing body of the municipality shall provide such written comments to the board no later than sixty days prior to the first day of the relevant fiscal year; such comments shall not constitute requirements but shall only be recommendations.

3. The board shall hold an annual meeting and adopt an annual budget no later than thirty days prior to the first day of each fiscal year.

4. Within one hundred twenty days after the end of each fiscal year, the district shall submit a report to the municipal clerk and the Missouri department of economic development [stating]. **The report shall state the services provided, revenues collected, and expenditures made by the district during such fiscal year[.]; state the dates the district adopted its annual budget, submitted its proposed annual budget to the municipality, and submitted its annual report to the municipal clerk; and include** copies of written resolutions approved by the board during the fiscal year. The municipal clerk shall retain this report as part of the official records of the municipality and shall also cause this report to be spread upon the records of the governing body.

5. The state auditor may audit a district in the same manner as the auditor may audit any agency of the state.

67.1481. 1. Each ordinance establishing a district shall set forth the term for the existence of such district which term may be defined as a minimum, maximum, or definite number of years, **but in the case of districts established after August 28, 2021, the term shall not exceed twenty-seven years except as provided under subsection 6 of this section.**

2. Upon receipt by the municipal clerk of a proper petition and after notice and a public hearing, any district may be terminated by ordinance adopted by the governing body of the municipality prior to the expiration of its term if the district has no outstanding obligations. A copy of such ordinance shall be given to the department of economic development.

3. A petition for the termination of a district is proper if:

(1) It names the district to be terminated;

(2) It has been signed by owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district;

(3) It has been signed by more than fifty percent per capita of owners of real property within the boundaries of the district;

(4) It contains a plan for dissolution and distribution of the assets of the district; and

(5) The signature block signed by each petitioner is in the form set forth in subdivision (4) of subsection 2 of section 67.1421.

4. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 67.1431. The notice shall contain the following information:

(1) The date, time and place of the public hearing;

(2) A statement that a petition requesting the termination of the district has been filed with the municipal clerk;

(3) A statement that a copy of the petition is available at the office of the municipal clerk during regular business hours; and

(4) A statement that all interested parties will be given an opportunity to be heard.

5. Upon expiration or termination of a district, the assets of such district shall **either** be [distributed] **sold or transferred** in accordance with the plan for dissolution as approved by ordinance. Every effort should be made by the municipality for the assets of the district to be distributed in such a manner so as to benefit the real property which was formerly a part of the district.

6. Prior to the expiration of the term of a district, a municipality may adopt an ordinance to extend the term of the existence of a district after holding a public hearing on the proposed extension. The extended term may be defined as a minimum, maximum, or definite number of years, but the extended term shall not exceed twenty-seven years. Notice of the hearing shall be given in the same manner as required under section 67.1431, except the notice shall include the time, date, and place of the public hearing; the name of the district; a map showing the boundaries of the existing district; and a statement that all interested persons shall be given an opportunity to be heard at the public hearing.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the _____ (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of _____ (insert amount) for a period of _____ (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for _____ (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

7. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

10. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

11. In each district in which a sales tax is imposed under this section, every retailer shall prominently display the rate of the sales tax imposed or increased at the cash register area.”; and

Further amend said bill, Pages 8-9, Section 135.445, Lines 1-44, by deleting all of said section and said lines and inserting in lieu thereof the following:

“99.020. The following terms, wherever used or referred to in sections 99.010 to 99.230, shall have the following respective meanings unless a different meaning clearly appears from the context:

(1) “Area of operation”, in the case of a housing authority of a city, shall include such city; in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined;

(2) “Authority” or “housing authority” shall mean any of the municipal corporations created by section 99.040;

(3) “Blighted” [shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors are detrimental to safety, health and morals], **the same meaning as defined pursuant to section 99.805;**

(4) “Bonds” shall mean any bonds, notes, interim certificates, debentures, or other obligations issued

by the authority pursuant to this chapter;

(5) “City” shall mean any city, town or village in the state;

(6) “The city” shall mean the particular city for which a particular housing authority is created;

(7) “Clerk” shall mean the clerk of the city or the clerk of the county commission, as the case may be, or the officer charged with the duties customarily imposed on such clerk;

(8) “County” shall mean any county in the state;

(9) “The county” shall mean the particular county for which a particular housing authority is created;

(10) “Federal government” shall include the United States of America, the United States Department of Housing and Urban Development or any other agency or instrumentality, corporate or otherwise, of the United States of America;

(11) “Governing body” shall mean, in the case of a city, the city council, common council, board of aldermen or other legislative body of the city, and in the case of a county, the county commission or other legislative body of the county;

(12) “Housing project” shall mean any work or undertaking, whether in a blighted or other area:

(a) To demolish, clear or remove buildings. Such work or undertaking may include the adaptation of such area to public purposes, including parks or other recreation or community purposes; or

(b) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of very low and lower income. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, site preparation, gardening, administrative, community, health, welfare or other purposes. Such work or undertaking may also include housing, for persons of moderate income, offices, stores, solar energy access, parks, and recreational and educational facilities, provided that such activities be undertaken only in conjunction with the provision of housing for persons of very low and lower income, and provided further that any profit of the authority shall be distributed as provided in subsection 3 of section 99.080; or

(c) To accomplish a combination of the foregoing. The term “housing project” also may be applied to the planning of the buildings and improvements, the acquisition of property; the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith;

(d) In the planning and carrying out of any housing project owned and operated by a housing authority, a housing authority shall establish procedures for allocating any training and employment opportunities which may arise from such activity to qualified persons of very low and lower income who have been unemployed for one year or more and reside within the area of operation of the housing authority;

(13) “Mayor” shall mean the elected mayor of the city or the elected officer thereof charged with duties customarily imposed on the mayor or executive head of the city;

(14) “Obligee of the authority” or “obligee” shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor’s interest or any part thereof, and the federal government when it is a

party to any contract with the authority;

(15) “Persons of very low income” means those persons or families whose annual income does not exceed fifty percent of the median income for the area. “Persons of lower income” means those persons or families whose annual income is greater than fifty but does not exceed eighty percent of the median income for the area. “Persons of moderate income” means those persons or families whose annual income is greater than eighty but does not exceed one hundred and fifty percent of the median income for the area. For purposes of this subdivision, median income for the area shall be determined in accordance with section 1437a, Title 42, United States Code, including any amendments thereto. Any and all references to “persons of low income” in this chapter shall mean persons of very low, lower or moderate income as defined herein;

(16) “Profit” shall mean the difference between gross revenues and necessary and ordinary business expenses, including debt service, if any;

(17) “Real property” shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

99.320. As used in this law, the following terms mean:

(1) “Area of operation”, in the case of a municipality, the area within the municipality except that the area of operation of a municipality under this law shall not include any area which lies within the territorial boundaries of another municipality unless a resolution has been adopted by the governing body of the other municipality declaring a need therefor; and in the case of a county, the area within the county, except that the area of operation in such case shall not include any area which lies within the territorial boundaries of a municipality unless a resolution has been adopted by the governing body of the municipality declaring a need therefor; and in the case of a regional authority, the area within the communities for which the regional authority is created, except that a regional authority shall not undertake a land clearance project within the territorial boundaries of any municipality unless a resolution has been adopted by the governing body of the municipality declaring that there is a need for the regional authority to undertake the land clearance project within such municipality; no authority shall operate in any area of operation in which another authority already established is undertaking or carrying out a land clearance project without the consent, by resolution, of the other authority;

(2) “Authority” or “land clearance for redevelopment authority”, a public body corporate and politic created by or pursuant to section 99.330 or any other public body exercising the powers, rights and duties of such an authority;

(3) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(4) “Bond”, any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this law;

(5) “Clerk”, the clerk or other official of the municipality or county who is the custodian of the official

records of the municipality or county;

(6) “Community”, any county or municipality except that such term shall not include any municipality containing less than seventy-five thousand inhabitants until the governing body thereof shall have submitted the proposition of accepting the provisions of this law to the qualified voters therein at an election called and held as provided by law for the incurring of indebtedness by such municipality, and a majority of the voters voting at the election shall have voted in favor of such proposition;

(7) “Federal government”, the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America;

(8) “Governing body”, the city council, common council, board of aldermen or other legislative body charged with governing the municipality or the county commission or other legislative body charged with governing the county;

(9) “Insanitary area”, an area in which there is a predominance of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare;

(10) “Land clearance project”, any work or undertaking:

(a) To acquire blighted, or insanitary areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of the blighted or insanitary areas or to the prevention of the spread or recurrence of substandard or insanitary conditions or conditions of blight;

(b) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan;

(c) To sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use or to retain such land for public use, in accordance with a redevelopment plan;

(d) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses, buildings, structures and other facilities;

(e) The term “land clearance project” may also include the preparation of a redevelopment plan, the planning, survey and other work incident to a land clearance project and the preparation of all plans and arrangements for carrying out a land clearance project and wherever the words “land clearance project” are used in this law, they shall also mean and include the words “urban renewal project” as defined in this section;

(11) “Mayor”, the elected mayor of the city or the elected officer having the duties customarily imposed upon the mayor of the city or the executive head of a county;

(12) “Municipality”, any incorporated city, town or village in the state;

(13) “Obligee”, any bondholders, agents or trustees for any bondholders, lessor demising to the authority property used in connection with land clearance project, or any assignee or assignees of the lessor’s interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(14) “Person”, any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof;

(15) “Public body”, the state or any municipality, county, township, board, commission, authority, district, or any other subdivision of the state;

(16) “Real property”, all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;

(17) “Redeveloper”, any person, partnership, or public or private corporation or agency which enters or proposes to enter into a redevelopment or rehabilitation or renewal contract;

(18) “Redevelopment contract”, a contract entered into between an authority and redeveloper for the redevelopment, rehabilitation or renewal of an area in conformity with a redevelopment plan or an urban renewal plan;

(19) “Redevelopment”, the process of undertaking and carrying out a redevelopment plan or urban renewal plan;

(20) “Redevelopment plan”, a plan other than a preliminary or tentative plan for the acquisition, clearance, reconstruction, rehabilitation, renewal or future use of a land clearance project area, and shall be sufficiently complete to comply with subdivision (4) of section 99.430 and shall be in compliance with a “workable program” for the city as a whole and wherever used in sections 99.300 to 99.660 the words “redevelopment plan” shall also mean and include “urban renewal plan” as defined in this section;

(21) “Urban renewal plan”, a plan as it exists from time to time, for an urban renewal project, which plan shall conform to the general plan for the municipality as a whole; and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the relationship of the plan to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; an urban renewal plan shall be prepared and approved pursuant to the same procedure as provided with respect to a redevelopment plan;

(22) “Urban renewal project”, any surveys, plans, undertakings and activities for the elimination and for the prevention of the spread or development of insanitary, blighted, deteriorated or deteriorating areas and may involve any work or undertaking for such purpose constituting a land clearance project or any rehabilitation or conservation work, or any combination of such undertaking or work in accordance with an urban renewal project; for this purpose, “rehabilitation or conservation work” may include:

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(b) Acquisition of real property and demolition, removal or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses, buildings, structures and other facilities;

(d) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and

(e) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of the project; but such disposition shall be in the manner prescribed in this law for the disposition of property in a land clearance project area;

(23) “Workable program”, an official plan of action, as it exists from time to time, for effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated and deteriorating areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program.

99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of [defective or inadequate street layout,] insanitary or unsafe conditions, deterioration of site improvements, [improper subdivision or obsolete platting,] or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, [morals,] or welfare in its present condition and use;

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, [morals,] or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997. **For all redevelopment plans and projects approved on or after January 1, 2022, in retail areas, a conservation area shall meet the dilapidation factor as**

one of the three factors required under this subdivision;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) “Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

- (a) Discourage commerce, industry or manufacturing from moving their operations to another state; or
- (b) Result in increased employment in the municipality; or
- (c) Result in preservation or enhancement of the tax base of the municipality;

(6) “Gambling establishment”, an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) “Greenfield area”, any vacant, unimproved, or agricultural property that is located wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded by contiguous properties with agricultural zoning classifications or uses unless said property was annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the ordinance approving the redevelopment plan for such greenfield area;

(8) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, municipality applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(9) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(10) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(11) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(12) “Port infrastructure project”, docks and associated equipment, cargo and passenger terminals, storage warehouses, or any other similar infrastructure directly related to port facilities located in a port district created pursuant to the provisions of chapter 68 and located within one-half of one mile of a navigable waterway;

[(12)] (13) “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

[(13)] (14) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(14)] (15) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(15)] (16) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to:

a. Acquisition of land and other property, real or personal, or rights or interests therein;

b. Demolition of buildings; and

c. The clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(17) "Retail area", a proposed redevelopment building area for which more than fifty percent of the usable building square footage in the area is projected to be used by retail businesses, which shall be businesses that primarily sell or offer to sell goods to a buyer primarily for the buyer's personal, family, or household use and not primarily for business, commercial, or agricultural use;

(18) "Retail infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, or any other similar public improvements, but in no case shall retail infrastructure projects include private structures;

[(16)] (19) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(17)] (20) "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(18)] (21) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

[(19)] (22) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by

a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, **a study prepared by a land use planner, urban planner, licensed architect, licensed commercial real estate appraiser, or licensed attorney, which includes** a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. Tax increment allocation financing shall not be adopted under sections 99.800 to 99.865 in a retail area unless such financing is exclusively utilized to fund retail infrastructure projects or unless such area is a blighted area or conservation area. The provisions of this subsection shall not apply to any tax increment allocation financing project or plan approved before August 28, 2021, nor to any amendment to tax increment allocation financing projects and plans where such projects or plans were originally approved before August 28, 2021, provided that such an amendment does not add buildings of new construction in excess of twenty-five percent of the scope of the original redevelopment agreement.

3. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefitted by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects.

Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the

redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected

districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.

3. Beginning August 28, 2008:

(1) In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, [or] in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants, **or in a county of the first classification with**

more than ninety-two thousand but fewer than one hundred one thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

- (a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;
- (b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;
- (c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and
- (d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree.

No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

(2) Any commission created under subsection 2 of this section shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825

concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) Any commission created under subsection 3 of this section shall, within fifteen days of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. A recommendation of approval shall only be deemed to occur if a majority of the commissioners voting on such plan, project, designation, or amendment thereto vote for approval. A tied vote shall be considered a recommendation in opposition. If the commission fails to vote within thirty days following the completion of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan, redevelopment project, or designation of redevelopment area, or amendments thereto, such plan, project, designation, or amendment thereto shall be deemed rejected by the commission.

5. It shall be the policy of the state that each redevelopment plan or project of a municipality be carried out with full transparency to the public. The records of the tax increment financing commission including, but not limited to, commission votes and actions, meeting minutes, summaries of witness testimony, data, and reports submitted to the commission shall be retained by the governing body of the municipality that created the commission and shall be made available to the public in accordance with chapter 610.

99.821. Notwithstanding any provision of sections 99.800 to 99.865 to the contrary, redevelopment plans approved or amended after December 31, 2021, by a city not within a county may provide for the deposit of up to ten percent of the tax increment financing revenues generated pursuant to section 99.845 into a strategic infrastructure for economic growth fund established by such city in lieu of deposit into the special allocation fund. Moneys deposited into the strategic infrastructure for economic growth fund pursuant to this section may be expended by the city establishing such fund for the purpose of funding capital investments in public infrastructure that the governing body of such city has determined to be in a census tract that is defined as a low-income community pursuant to 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone pursuant to 26 U.S.C. Section 1400Z-1.

99.843. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new tax increment financing project shall be authorized in any greenfield area, as such term is defined in section 99.805[, that is located within a city not within a county or any county subject to the authority of the East-West Gateway Council of Governments. Municipalities not subject to the authority of the East-West Gateway Council of Governments may authorize tax increment finance projects in greenfield areas].

99.847. 1. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, **for all years ending on or before December 31, 2021**, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two

hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications. **Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, for all years beginning on or after January 1, 2022, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency unless such project is located in:**

(1) A county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

(2) A county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

(3) A county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;

(4) A home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants;

(5) A home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants;

(6) A home rule city with more than seventeen thousand but fewer than nineteen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than twenty-six thousand but fewer than twenty-nine thousand inhabitants;

(7) A home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants;

(8) A port district created under the provisions of chapter 68, provided that such financing is exclusively utilized to fund a port infrastructure project that is approved by the port authority; or

(9) A levee district created pursuant to chapter 245 or a drainage district created pursuant to chapter 242 or chapter 243 prior to August 28, 2021.

2. This [subsection] **section** shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow [the aforementioned] **such** tax increment financing projects to modify, amend, or expand such projects, including redevelopment project costs, by not more than forty percent of such project original projected cost, including redevelopment project costs, as such projects, including redevelopment project costs [as such projects redevelopment projects including redevelopment project costs], existed as of June 30, 2003, and shall allow [the aforementioned] **such** tax increment financing district to modify, amend, or expand such districts by not more than five percent as such districts existed as of June 30, 2003.

3. The provisions of subsections 1 and 2 of this section notwithstanding, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with

a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications.

99.848. 1. **(1)** Notwithstanding subsection 1 of section 99.845, any [district or county] **ambulance district board operating under chapter 190, any fire protection district board operating under chapter 321, or any governing body operating a 911 center providing dispatch services under chapter 190 or chapter 321** imposing a property tax for the purposes of providing emergency services pursuant to chapter 190 or **chapter 321** shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent but not more than one hundred percent of the district's **or 911 center's** tax increment. This [section] **subsection** shall not apply to tax increment financing projects or [districts] **redevelopment areas** approved prior to August 28, 2004.

[2.] **(2)** Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or **chapter 321 imposing a property tax for the purpose of providing emergency services pursuant to chapter 190 or chapter 321** shall annually set the reimbursement rate under **this** subsection [1 of this section] prior to [the time the assessment is paid into the special allocation fund] **November thirtieth preceding the calendar year for which the annual reimbursement is being set.** If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2018, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or **chapter 321** shall have the right to recalculate the reimbursement rate under this [section] **subdivision.**

2. **(1)** Notwithstanding subsection 1 of section 99.845, any ambulance district board operating under chapter 190, any fire protection district operating under chapter 321, or any governing body operating a 911 center imposing an economic activities tax for the purposes of providing emergency services pursuant to chapter 190 or chapter 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent but not more than one hundred percent of the district's or 911 center's tax increment. This subsection shall not apply to tax increment financing projects or redevelopment areas approved prior to August 28, 2021.

(2) Beginning August 28, 2021, any ambulance district board operating under chapter 190, any fire protection district operating under chapter 321, or any governing body operating a 911 center providing dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under this subsection prior to November thirtieth preceding the calendar year for which the annual reimbursement is being set. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2021, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this subdivision.

99.918. As used in sections 99.915 to 99.980, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Authority", the downtown economic stimulus authority for a municipality, created pursuant to

section 99.921;

(2) “Baseline year”, the calendar year prior to the adoption of an ordinance by the municipality approving a development project; provided, however, if economic activity taxes or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the development project area, decrease in the development project area in the year following the year in which the ordinance approving a development project is approved by a municipality, the baseline year may, at the option of the municipality approving the development project, be the year following the year of the adoption of the ordinance approving the development project. When a development project area is located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the development project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the development project within one year after the occurrence of the natural disaster;

(3) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(4) “Central business district”, the area at or near the historic core that is locally known as the “downtown” of a municipality that has a median household income of sixty-two thousand dollars or less, according to the United States Census Bureau’s American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

(5) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes, economic activity taxes other than economic activity taxes which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales taxes and state taxes, the director of revenue;

(6) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities;

excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(7) “Development area”, an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It includes only those parcels of real property directly and substantially benefitted by the proposed development plan;

(b) It can be renovated through one or more development projects;

(c) It is located in the central business district;

(d) It has generally suffered from declining population or property taxes for the twenty-year period immediately preceding the area’s designation as a development area or has structures in the area fifty percent or more of which have an age of thirty-five years or more;

(e) It is contiguous, provided, however that a development area may include up to three noncontiguous areas selected for development projects, provided that each noncontiguous area meets the requirements of paragraphs (a) to (g) herein;

(f) The development area shall not exceed ten percent of the entire area of the municipality; and

(g) The development area shall not include any property that is located within the one hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the United States Army Corps of Engineers. This subdivision shall not apply to property within the one hundred year flood plain if the buildings on the property have been or will be flood proofed in accordance with the Federal Emergency Management Agency’s standards for flood proofing and the property is located in a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants. Only those buildings certified as being flood proofed in accordance with the Federal Emergency Management Agency’s standards for flood proofing by the authority shall be eligible for the state sales tax increment and the state income tax increment. Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.951;

(8) “Development plan”, the comprehensive program of a municipality to reduce or eliminate those conditions which qualified a development area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the development area through the reimbursement, payment, or other financing of development project costs in accordance with sections 99.915 to 99.980 and through the exercise of the powers set forth in sections 99.915 to 99.980. The development plan shall conform to the requirements of section 99.942;

(9) “Development project”, any development project within a development area which constitutes a major initiative in furtherance of the objectives of the development plan, and any such development project shall include a legal description of the area selected for such development project;

(10) “Development project area”, the area located within a development area selected for a development project;

(11) “Development project costs” include such costs to the development plan or a development project,

as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure to support a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a development plan or development project, except in circumstances of plan amendments approved by the Missouri development finance board and the department of economic development. Such infrastructure costs include, but are not limited to, the following:

- (a) Costs of studies, appraisals, surveys, plans, and specifications;
- (b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;
- (c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;
- (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;
- (e) Costs of construction of public works or improvements;
- (f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more development projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;
- (g) All or a portion of a taxing district's capital costs resulting from any development project necessarily incurred or to be incurred in furtherance of the objectives of the development plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;
- (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a development project;
- (i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development, the department of revenue and the office of administration in evaluating an application for and administering state supplemental downtown development financing for a development project; and
- (j) Endowment of positions at an institution of higher education which has a designation as a Carnegie Research I University including any campus of such university system, subject to the provisions of section 99.958. In addition, economic activity taxes and payment in lieu of taxes may be expended on or used to reimburse any reasonable or necessary costs incurred or estimated to be incurred in furtherance of a development plan or a development project;

(12) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area, which are not related to the relocation of any out-of-state business into the development project area, which exceed the amount of such taxes generated by economic activities within such development project area in the baseline year plus, in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of this section, the total revenue from taxes which are imposed by the municipality and other taxing districts which is generated by economic activities within the development project area resulting from the relocation of an out-of-state business or out-of-state businesses to the

development project area pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility to another facility within the same county and the municipality or authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from taxes which are imposed by the municipality and other taxing districts which are generated by the economic activities within the development project area which exceed the amount of taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area generated by the retail establishment in the baseline year;

(13) “Gambling establishment”, an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850;

(14) “Major initiative”, a development project within a central business district that:

(a) Promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, or conventions, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable; or

(b) Promotes business location or expansion, the estimated cost of which is in excess of the amount set forth below for the municipality, and is estimated to create at least as many new jobs as set forth below within three years of such location or expansion:

Population of Municipality	Estimated Project Cost	New Jobs Created
300,000 or more	\$10,000,000	at least 100
100,000 to 299,999	\$5,000,000	at least 50
50,001 to 99,999	\$1,000,000	at least 10
50,000 or less	\$500,000	at least 5;

(15) “Municipality”, any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001, or a census-designated place in any county designated by the county for purposes of sections 99.915 to 99.1060;

(16) “New job”, any job defined as a new job pursuant to subdivision (11) of section 100.710;

(17) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a development project or to refund outstanding obligations;

(18) “Ordinance”, an ordinance enacted by the governing body of any municipality or an order of the governing body of such a municipal entity whose governing body is not authorized to enact ordinances;

(19) “Other net new revenues”, the amount of state sales tax increment or state income tax increment or the combination of the amount of each such increment as determined under section 99.960;

(20) “Out-of-state business”, a business entity or operation that has been located outside of the state of Missouri prior to the time it relocates to a development project area;

(21) “Payment in lieu of taxes”, those revenues from real property in each development project area, which taxing districts would have received had the municipality not adopted a development plan and the municipality not adopted development financing, and which would result from levies made after the time of the adoption of development financing during the time the current equalized value of real property in such development project area exceeds the total equalized value of real property in such development project area during the baseline year until development financing for such development project area expires or is terminated pursuant to sections 99.915 to 99.980;

(22) “Special allocation fund”, the fund of the municipality or its authority required to be established pursuant to section 99.957 which special allocation fund shall contain at least four separate segregated accounts into which payments in lieu of taxes are deposited in one account, economic activity taxes are deposited in a second account, other net new revenues are deposited in a third account, and other revenues, if any, received by the authority or the municipality for the purpose of implementing a development plan or a development project are deposited in a fourth account;

(23) “State income tax increment”, up to fifty percent of the estimate of the income tax due the state for salaries or wages paid to new employees in new jobs at a business located in the development project area and created by the development project. The estimate shall be a percentage of the gross payroll which percentage shall be based upon an analysis by the department of revenue of the practical tax rate on gross payroll as a factor in overall taxable income;

(24) “State sales tax increment”, up to one-half of the incremental increase in the state sales tax revenue in the development project area. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri development finance board and the department of economic development are satisfied based on information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase for an existing facility shall be the amount by which the state sales tax revenue generated at the facility exceeds the state sales tax revenue generated at the facility in the baseline year. The incremental increase in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of this section shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation;

(25) “State sales tax revenues”, the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

(26) “Taxing district’s capital costs”, those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project; and

(27) “Taxing districts”, any political subdivision of this state having the power to levy taxes.

99.1082. As used in sections 99.1080 to 99.1092, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Baseline year”, the calendar year prior to the adoption of an ordinance by the municipality approving a redevelopment project; provided, however, if local sales tax revenues or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the redevelopment project area, decrease in the redevelopment project area in the year following the year in which the ordinance approving a redevelopment project is approved by a municipality, the baseline year may, at the option of the municipality approving the redevelopment project, be the year following the year of the adoption of the ordinance approving the redevelopment project. When a redevelopment project area is located within a county for which public and individual assistance has been requested by the governor under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor under section 44.100 due to a natural disaster of major proportions and the redevelopment project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the redevelopment project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the redevelopment project within one year after the occurrence of the natural disaster;

(2) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(3) “Central business district”, the area at or near the historic core that is locally known as the “downtown” of a municipality that has a median household income of sixty-two thousand dollars or less, according to the United States Census Bureau’s American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

(4) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(5) “Gambling establishment”, an excursion gambling boat as defined in section 313.800 and any related

business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850;

(6) “Local sales tax increment”, at least fifty percent of the local sales tax revenue from taxes that are imposed by a municipality and its county, and that are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such a redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area while financing under sections 99.1080 to 99.1092 remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments; provided however, the governing body of any county may, by resolution, exclude any portion of any countywide sales tax of such county. For redevelopment projects or redevelopment plans approved after August 28, 2005, if a retail establishment relocates within one year from one facility within the same county and the governing body of the municipality finds that the retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(7) “Local sales tax revenue”, city sales tax revenues received under sections 94.500 to 94.550 and county sales tax revenues received under sections 67.500 to 67.594;

(8) “Major initiative”, a development project within a central business district which promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, economic development, or conventions for the municipality, and where the capital investment within the redevelopment project area is:

(a) At least five million dollars for a project area within a city having a population of one hundred thousand to one hundred ninety-nine thousand nine hundred and ninety-nine inhabitants;

(b) At least one million dollars for a project area within a city having a population of fifty thousand to ninety-nine thousand nine hundred and ninety-nine inhabitants;

(c) At least five hundred thousand dollars for a project area within a city having a population of ten thousand to forty-nine thousand nine hundred and ninety-nine inhabitants; or

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine thousand nine hundred and ninety-nine inhabitants;

(9) “Municipality”, any city or county of this state having fewer than two hundred thousand inhabitants;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations under sections 99.1080 to 99.1092 to carry out a redevelopment project or to refund outstanding obligations;

(11) “Ordinance”, an ordinance enacted by the governing body of any municipality;

(12) “Redevelopment area”, an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

- (a) It can be renovated through one or more redevelopment projects;
- (b) It is located in the central business district;

(c) The redevelopment area shall not exceed ten percent of the entire geographic area of the municipality. Subject to the limitation set forth in this subdivision, the redevelopment area can be enlarged or modified as provided in section 99.1088;

(13) “Redevelopment plan”, the comprehensive program of a municipality to reduce or eliminate those conditions which qualify a redevelopment area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area through the reimbursement, payment, or other financing of redevelopment project costs in accordance with sections 99.1080 to 99.1092 and through application for and administration of downtown revitalization preservation program financing under sections 99.1080 to 99.1092;

(14) “Redevelopment project”, any redevelopment project within a redevelopment area which constitutes a major initiative in furtherance of the objectives of the redevelopment plan, and any such redevelopment project shall include a legal description of the area selected for such redevelopment project;

(15) “Redevelopment project area”, the area located within a redevelopment area selected for a redevelopment project;

(16) “Redevelopment project costs” include such costs to the redevelopment plan or a redevelopment project, as applicable, which are expended on public property, buildings, or rights-of-way for public purposes to provide infrastructure to support a redevelopment project, including facades. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a redevelopment plan or redevelopment project, except in circumstances of plan amendments approved by the department of economic development. Such infrastructure costs include, but are not limited to, the following:

(a) Costs of studies, appraisals, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;

(e) Costs of construction of public works or improvements;

(f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more redevelopment projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(g) All or a portion of a taxing district’s capital costs resulting from any redevelopment project

necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;

(h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a redevelopment project when all debt is retired;

(i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development and the department of revenue in evaluating an application for and administering downtown revitalization preservation financing for a redevelopment project;

(17) “State sales tax increment”, up to one-half of the incremental increase in the state sales tax revenue in the redevelopment project area provided the local taxing jurisdictions commit one-half of their local sales tax to paying for redevelopment project costs. The incremental increase shall be the amount by which the state sales tax revenue generated at the facility or within the redevelopment project area exceeds the state sales tax revenue generated at the facility or within the redevelopment project area in the baseline year. For redevelopment projects or redevelopment plans approved after August 28, 2005, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to the relocation to the redevelopment area;

(18) “State sales tax revenues”, the general revenue portion of state sales tax revenues received under section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

(19) “Taxing district’s capital costs”, those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a redevelopment project;

(20) “Taxing districts”, any political subdivision of this state having the power to levy taxes.

100.310. As used in this law, the following words and terms mean:

(1) “Authority”, a public body corporate and politic created by or pursuant to sections of this law or any other public body exercising the powers, rights and duties of such an authority;

(2) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(3) “Bond”, any bonds, including refunding bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this law;

(4) “City”, all cities of this state now having or which hereafter have four hundred thousand inhabitants or more according to the last decennial census of the United States or any city that has adopted a home rule

charter pursuant to Section 19 of Article VI of the Missouri Constitution;

(5) “Clerk”, the official custodian of records of the city;

(6) “Federal government”, the United States of America or any agency or instrumentality corporate or otherwise of the United States of America;

(7) “Governing body”, the city council, common council, board of aldermen or other legislative body charged with governing the municipality;

(8) “Industrial developer”, any person, partnership or public or private corporation or agency which enters or proposes to enter into an industrial development contract;

(9) “Industrial development”, the acquisition, clearance, grading, improving, preparing of land for industrial and commercial development and use and the construction, reconstruction, purchase, repair of industrial and commercial improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities relating to industrial and commercial use in blighted, insanitary or undeveloped industrial areas; and the existing merchants, residents, and present businesses shall have the first option to redevelop the area under this act;

(10) “Industrial development contract”, a contract entered into between an authority and an industrial developer for the industrial development of an area in conformity with a plan;

(11) “Insanitary area”, an area in which there is a predominance of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals or welfare;

(12) “Obligee”, any bondholders, agents or trustees for any bondholders, lessor demising to the authority property used in connection with industrial clearance project, or any assignee or assignees of the lessor’s interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(13) “Person”, any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee or other similar representative thereof;

(14) “Plan”, a plan as it exists from time to time for the orderly carrying on of a project of industrial development;

(15) “Project”, any work or undertaking:

(a) To acquire blighted, insanitary and undeveloped industrial areas or portions thereof including lands, structures or improvements the acquisition of which is necessary or incidental to the proper industrial development of the blighted, insanitary and undeveloped industrial areas or to prevent the spread or recurrence of conditions of blight, insanitary or undevelopment;

(b) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct or reconstruct streets, utilities and site improvements

essential to the preparation of sites for uses in accordance with a plan;

(c) To construct, reconstruct, remodel, repair, improve, install improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities related to industrial and commercial uses;

(d) To sell, lease or otherwise make available land in such areas for industrial and commercial or related use or to retain such land for public use, in accordance with a plan;

(16) “Public body”, the state or any municipality, county, township, board, commission, authority, district or any other subdivision of the state;

(17) “Real property”, all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;

(18) “Undeveloped industrial area”, any area which, by reason of defective and inadequate street layout or location of physical improvements, obsolescence and inadequate subdivision and platting contains vacant parcels of land not used economically; contains old, decaying, obsolete buildings, plants, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, warehouses, distribution centers, structures; contains buildings, plants, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers and structures whose operation is not economically feasible; contains intermittent commercial and industrial structures in a primarily industrial or commercial area; or contains insufficient space for the expansion and efficient use of land for industrial plants and commercial uses amounting to conditions which retard economic or social growth, are economic waste and social liabilities and represent an inability to pay reasonable taxes to the detriment and injury of the public health, safety, morals and welfare.

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Average wage”, the new payroll divided by the number of new jobs;

(2) “Blighted area”, [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The term “blighted area” shall also include any area which produces or generates or has the potential to produce or generate electrical energy from a renewable energy resource, and which, by reason of obsolescence, decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe conditions, improper subdivision or obsolete platting, or the existence of conditions which endanger the life or property by fire or other means, or any combination of such factors, is underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or lock and dam site within such area for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource] **the same meaning as defined pursuant to section 99.805;**

(3) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(4) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

(5) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(6) “Department”, the department of economic development;

(7) “Director”, the director of the department of economic development;

(8) “Employee”, a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

(9) “Enhanced business enterprise”, an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state’s economic security and growth; or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

(10) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(11) “Facility”, any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(12) “Facility base employment”, the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in

operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

(13) “Facility base payroll”, the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

(14) “Governing authority”, the body holding primary legislative authority over a county or incorporated municipality;

(15) “Megaproject”, any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) “NAICS”, the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) “New business facility”, a facility that does not produce or generate electrical energy from a renewable energy resource and satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision (27) of this section;

(18) “New business facility employee”, an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

(19) “New business facility investment”, the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(20) “New job”, the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(21) “Notice of intent”, a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise’s intent to hire new jobs and request benefits under such program;

(22) “Related facility”, a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

(23) “Related facility base employment”, the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

(24) “Related taxpayer”:

- (a) A corporation, partnership, trust, or association controlled by the taxpayer;
- (b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) "Renewable energy generation zone", an area which has been found, by a resolution or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted area and which contains land, improvements, or a lock and dam site which is unutilized or underutilized for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;

(26) "Renewable energy resource", shall include:

- (a) Wind;
- (b) Solar thermal sources or photovoltaic cells and panels;
- (c) Dedicated crops grown for energy production;
- (d) Cellulosic agricultural residues;
- (e) Plant residues;
- (f) Methane from landfills, agricultural operations, or wastewater treatment;
- (g) Thermal depolymerization or pyrolysis for converting waste material to energy;
- (h) Clean and untreated wood such as pallets;

(i) Hydroelectric power, which shall include electrical energy produced or generated by hydroelectric power generating equipment, as such term is defined in section 137.010;

(j) Fuel cells using hydrogen produced by one or more of the renewable resources provided in paragraphs (a) to (i) of this subdivision; or

(k) Any other sources of energy, not including nuclear energy, that are certified as renewable by rule by the department of economic development;

(27) "Replacement business facility", a facility otherwise described in subdivision (17) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial

operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

(28) "Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the

matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles [pursuant to] **under** section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than [fifty] **two hundred** hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (a) For real property in subclass (1), nineteen percent;
- (b) For real property in subclass (2), twelve percent; and
- (c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement [pursuant to] **under** section 137.750, unless the manufactured home is **deemed to be** real estate [as defined in] **under** subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is **deemed to be** real estate [as defined in] **under** subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor

vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, [pursuant to] **under** subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner [pursuant to] **under** subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444."; and

Further amend said bill, Page 11, Section 143.031, Line 11, by inserting after all of said section and line the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 **or 116-260**, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171. **The amount added under this subdivision shall also not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic, and deducted from Missouri adjusted gross income under section 143.171;**

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1,

2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose

death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, “combat zone” means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; and

(i) Livestock Gross Margin Insurance Plan; and

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.”; and

Further amend said bill, Page 11, Section 143.131, Line 12, by inserting after all of said section and line the following:

“143.171. 1. For all tax years beginning on or after January 1, 1994, and ending on or before December 31, 2018, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer’s return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

2. (1) Notwithstanding any other provision of law to the contrary, for all tax years beginning on or after January 1, 2019, an individual taxpayer shall be allowed a deduction equal to a percentage of his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer’s return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34. The deduction percentage is determined according to the following table:

If the Missouri gross income on the return is:	The deduction percentage is:
\$25,000 or less	35 percent
From \$25,001 to \$50,000	25 percent
From \$50,001 to \$100,000	15 percent
From \$100,001 to \$125,000	5 percent
\$125,001 or more	0 percent

(2) Notwithstanding any provision of law to the contrary, the amount of any tax credits reducing a taxpayer’s federal tax liability pursuant to Public Law 116-136 **or 116-260**, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, **and the amount of any tax credits reducing a taxpayer’s federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic** shall not be considered in determining a taxpayer’s federal tax liability for the purposes of subdivision (1) of this subsection.

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.”; and

Further amend said bill, Page 20, Section 144.054, Line 63, by inserting after all of said section and line the following:

“144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to [144.525] **144.527**, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person’s gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. (1) Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

(2) Beginning January 1, 2022, where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue on or before the last day of the succeeding month.

3. Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to [144.525] **144.527**, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller’s inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to [144.525] **144.527** on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

5. Any person may advertise or hold out or state to the public or to any customer directly that the tax or any part thereof imposed by sections 144.010 to [144.525] **144.527**, and required to be collected by the person, will be assumed or absorbed by the person, provided that the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the property sold or service rendered. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. This subsection shall not apply to any retailer prohibited from collecting and remitting sales tax under section 66.630.”; and

Further amend said bill, Page 24, Section 144.605, Line 42 by deleting the letter “a.”; and

Further amend said bill, Page 24-25, Section 144.605, Lines 56-69, by deleting all of said lines; and

Further amend said bill, Page 34, Section 144.757, Lines 92-99, by deleting all of said lines; and

Further amend said bill, Page 36-40, Sections 287.245, 320.300, and 320.400, by deleting all of said sections and inserting the following:

“262.900. 1. As used in this section, the following terms mean:

(1) “Agricultural products”, an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;

(2) “Blighted area”, [that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes] **the same meaning as defined pursuant to section 99.805;**

(3) “Department”, the department of agriculture;

(4) “Domesticated animal”, cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(5) “Grower UAZ”, a type of UAZ:

(a) That can either grow produce, raise livestock, or produce other value-added agricultural products;

(b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty domesticated animals;

(6) “Livestock”, cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(7) “Locally grown”, a product that was grown or raised in the same county or city not within a county in which the UAZ is located or in an adjoining county or city not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county;

(8) “Meat”, any edible portion of livestock or poultry carcass or part thereof;

(9) “Meat product”, anything containing meat intended for or capable of use for human consumption, which is derived, in whole or in part, from livestock or poultry;

(10) “Mobile unit”, the same as motor vehicle as defined in section 301.010;

(11) “Poultry”, any domesticated bird intended for human consumption;

(12) “Processing UAZ”, a type of UAZ:

- (a) That processes livestock, poultry, or produce for human consumption;
- (b) That meets federal and state processing laws and standards;
- (c) Is a qualifying small business approved by the department;

(13) “Qualifying small business”, those enterprises which are established within an Urban Agricultural Zone subsequent to its creation, and which meet the definition established for the Small Business Administration and set forth in Section 121.201 of Part 121 of Title 13 of the Code of Federal Regulations;

(14) “Value-added agricultural products”, any product or products that are the result of:

- (a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;
- (b) A change in the physical state or form of the original agricultural product;
- (c) An agricultural product grown in this state which has had its value enhanced by special production methods such as organically grown products; or
- (d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems;

(15) “Urban agricultural zone” or “UAZ”, a zone within a metropolitan statistical area as defined by the United States Office of Budget and Management that has one or more of the following entities that is a qualifying small business and approved by the department, as follows:

- (a) Any organization or person who grows produce or other agricultural products;
- (b) Any organization or person that raises livestock or poultry;
- (c) Any organization or person who processes livestock or poultry;
- (d) Any organization that sells at a minimum seventy-five percent locally grown food;

(16) “Vending UAZ”, a type of UAZ:

- (a) That sells produce, meat, or value-added locally grown agricultural goods;
- (b) That is able to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program as a form of payment; and
- (c) Is a qualifying small business that is approved by the department for an UAZ vendor license.

2. (1) A person or organization shall submit to any incorporated municipality an application to develop an UAZ on a blighted area of land. Such application shall demonstrate or identify on the application:

- (a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;
- (b) The number of jobs to be created;
- (c) The types of products to be produced; and
- (d) If applying for a vending UAZ, the ability to accept food stamps under the provisions of the

Supplemental Nutrition Assistance Program if selling products to consumers.

(2) A municipality shall review and modify the application as necessary before either approving or denying the request to establish an UAZ.

(3) Approval of the UAZ by such municipality shall be reviewed five and ten years after the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

If the municipality finds during its review that the UAZ is not meeting the requirements set out in this section, the municipality may dissolve the UAZ.

3. The governing body of any municipality planning to seek designation of an urban agricultural zone shall establish an urban agricultural zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation of an urban agricultural zone. Two members of the board shall be appointed by other affected taxing districts. The remaining four members shall be chosen by the chief elected officer of the municipality. The four members chosen by the chief elected officer of the municipality shall all be residents of the county or city not within a county in which the UAZ is to be located, and at least one of such four members shall have experience in or represent organizations associated with sustainable agriculture, urban farming, community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

5. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

6. The members of the board annually shall elect a chair from among the members.

7. The role of the board shall be to conduct the activities necessary to advise the governing body on the designation of an urban agricultural zone and any other advisory duties as determined by the governing body. The role of the board after the designation of an urban agricultural zone shall be review and assessment of zone activities.

8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed urban agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing districts and political subdivisions in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the designation at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing. At the public hearing any interested person or affected taxing district may file with the board written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The board shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing

the time and place of the subsequent hearing.

9. Following the conclusion of the public hearing required under subsection 8 of this section, the governing authority of the municipality may adopt an ordinance designating an urban agricultural zone.

10. The real property of the UAZ shall not be subject to assessment or payment of ad valorem taxes on real property imposed by the cities affected by this section, or by the state or any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under subsection 9 of this section, except to such extent and in such amount as may be imposed upon such real property during such period, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, in an amount not greater than the amount of taxes due and payable thereon during the calendar year preceding the calendar year during which the urban agricultural zone was designated. The amounts of such tax assessments shall not be increased during such period so long as the real property is used in furtherance of the activities provided under the provisions of subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement provided by the ordinance, the property shall then be reassessed. If only a portion of real property is used as an UAZ, then only that portion of real property shall be exempt from assessment or payment of ad valorem taxes on such property, as provided by this section.

11. If the water services for the UAZ are provided by the municipality, the municipality may authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the UAZ. If available, the UAZ may pay fifty percent of the standard cost to hook onto the water source.

12. (1) Any local sales tax revenues received from the sale of agricultural products sold in the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending UAZ selling agricultural products in the municipality in which the vending UAZ is located, shall be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection. An amount equal to one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

(2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund", which shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used for the purposes authorized by this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys shall be made available to school districts. The remaining fifty percent of fund moneys shall be allocated to municipalities that have urban agricultural zones based upon the municipality's percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones within the municipality for improvements. School districts may apply to the department for money in the fund to be used for the development of curriculum on or the implementation of urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district or districts in which the UAZ is located pursuant to rules to be promulgated by the department, with special consideration given to the relative number of students eligible for free and reduced-price lunches attending the schools within such district or districts.

13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

14. The provisions of this section shall not apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.

353.020. The following terms, whenever used or referred to in this chapter, mean:

(1) “Area”, that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) “Blighted area”, [that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes] **the same meaning as defined pursuant to section 99.805;**

(3) “City” or “such cities”, any city within this state and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants or any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants. The county’s authority pursuant to this chapter shall be restricted to the unincorporated areas of such county;

(4) “Development plan”, a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) “Legislative authority”, the city council or board of aldermen of the cities affected by this chapter;

(6) “Mortgage”, a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) “Real property” includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant or otherwise, rights-of-way and terms for years;

(8) “Redevelopment”, the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) “Redevelopment project”, a specific work or improvement to effectuate all or any part of a development plan;

(10) “Urban redevelopment corporation”, a corporation organized pursuant to this chapter; except that any life insurance company organized pursuant to the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project pursuant to this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160.

620.2005. 1. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) “Average wage”, the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) “Commencement of operations”, the starting date for the qualified company’s first new employee, which shall be no later than twelve months from the date of the approval;

(3) “Contractor”, a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

(4) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) “Department”, the Missouri department of economic development;

(6) “Director”, the director of the department of economic development;

(7) “Employee”, a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(8) “Existing Missouri business”, a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

(9) “Full-time employee”, an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee’s work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s

payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(10) "Industrial development authority", an industrial development authority organized under chapter 349 that has entered into a formal written memorandum of understanding with an entity of the United States Department of Defense regarding a qualified military project;

(11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no case shall infrastructure projects include private structures;

(12) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(13) "Manufacturing capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(14) "Memorandum of understanding", an agreement executed by an industrial development authority and an entity of the United States Department of Defense, a copy of which is provided to the department of economic development, that states, but is not limited to:

(a) A requirement for the military to provide the total number of existing jobs, jobs directly created by a qualified military project, and average salaries of such jobs to the industrial development authority and the department of economic development annually for the term of the benefit;

(b) A requirement for the military to provide an accounting of the expenditures of capital investment made by the military directly related to the qualified military project to the industrial development authority and the department of economic development annually for the term of the benefit;

(c) The process by which the industrial development authority shall monetize the tax credits annually and any transaction cost or administrative fee charged by the industrial development authority to the military on an annual basis;

(d) A requirement for the industrial development authority to provide proof to the department of economic development of the payment made to the qualified military project annually, including the amount of such payment;

(e) The schedule of the maximum amount of tax credits which may be authorized in each year for the project and the specified term of the benefit, as provided by the department of economic development; and

(f) A requirement that the annual benefit paid shall be the lesser of:

a. The maximum amount of tax credits authorized; or

b. The actual calculated benefit derived from the number of new jobs and average salaries;

(15) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President,

Office of Management and Budget;

(16) “New capital investment”, shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(17) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(18) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(19) “New payroll”, the amount of wages paid for all new jobs, located at the project facility during the qualified company’s tax year that exceeds the project facility base payroll;

(20) “New product”, a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(21) “Notice of intent”, a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company’s intent to request benefits under this program. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;

(22) “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

(23) “Program”, the Missouri works program established in sections 620.2000 to 620.2020;

(24) “Project facility”, the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located or by a qualified manufacturing company at which a manufacturing capital investment is or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent

project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period. For qualified military projects, the term “project facility” means the military base or installation at which such qualified military project is or shall be located;

(25) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(26) “Project facility base payroll”, the annualized payroll for the project facility base employment or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(27) “Project period”, the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(28) “Projected net fiscal benefit”, the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(29) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision **and except for any such establishments located in a county of the third or fourth classification;**

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production;
- (k) Biodiesel production; or
- (l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(30) “Qualified manufacturing company”, a company that:

- (a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);
- (b) Manufactures goods at a facility in Missouri;

(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;

(31) “Qualified military project”, the expansion or improvement of a military base or installation within this state that causes:

(a) An increase of ten or more part-time or full-time military or civilian support personnel:

a. Whose average salaries equal or exceed ninety percent of the county average wage; and

b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and

(b) Investment in real or personal property at the base or installation expressly for the purposes of serving a new or expanded military activity or unit.

For the purposes of this subdivision, part-time military or civilian support personnel shall be converted to full-time new jobs by, in hire date order, counting one full-time new job for every thirty-five averaged hours

worked per week by part-time military or civilian support personnel in jobs directly created by the qualified military project. For each such full-time new job, the sum of the wages of the part-time military or civilian support personnel combined and converted to form the new job shall be the wage for the one full-time new job. Each part-time military or civilian support personnel whose job is combined and converted for such a full-time new job shall be offered health insurance as described in subparagraph b of paragraph (a) of this subdivision;

(32) “Related company”, shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, “control of a qualified company” shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profit interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(33) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(34) “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(35) “Related facility base payroll”, the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(36) “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(37) “Tax credits”, tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(38) “Withholding tax”, the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.

2. This section is subject to the provisions of section 196.1127.

Section 1. 1. No later than January 1, 2022, any county or municipality of this state that has enacted a use tax shall send every taxpayer within its boundaries a notice informing the taxpayers of a change in the use tax law.

2. The notice shall contain substantially the following language:

Beginning January 1, 2023, some purchases from out-of-state vendors without a physical presence in the state will be subject to Missouri's newly revised use tax law. Some purchases made through the Internet or through other means on which state and local use taxes have not previously been collected, may now have state and local use taxes collected.

The current state use tax rate at this address is: 4.225%

The current county use tax rate at this address is: (insert rate for county use tax)

The current municipal use tax rate at this address is: (insert rate for municipal use tax)

Therefore, the current use tax rate at this address is: _____ (insert combined rate for state and all local use tax)

Section 144.761, RSMo, governs the repeal of a local use tax.

3. Such notice shall be sent on an independent piece of orange paper and shall be in a font size of no less than twelve-point font. In order to carry out the provisions of this section any municipality may coordinate and work with any county or county official in order to ensure taxpayers receive the notice described in this section, to ensure taxpayers do not receive duplicate notices, and to ensure such political subdivisions employ cost savings in order to carry out the provisions of this section.”; and

Further amend said bill, Page 43, Section C, Line 5, by inserting after all of said section and line the following:

“Section D. Because immediate action is necessary to protect the interests of taxpayers during the COVID-19 pandemic, sections 143.121 and 143.171 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 143.121 and 143.171 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 365**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1, HA 2, HA 3, HA 5 and HA 6** to **SS** for **SB 22**, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SB 22**. Representatives: Grier, Hill, Baker, Barnes, Collins.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 365**, as amended. Representatives: Murphy, Hill, Baker, Butz, Barnes.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SB 333**, with **HCS**, as amended: Senators Burlison, Brattin, Koenig, Schupp and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 520**, with **HS** for **HCS**: Senators Bean, Gannon, Rehder, Roberts and Razer.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 365**, with **HCS**, as amended: Senators Wieland, Hoskins, Burlison, Arthur and Roberts.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SB 22**, as amended: Senators Koenig, Bernskoetter, Eigel, Washington and May.

PRIVILEGED MOTIONS

Senator May moved that the Senate refuse to concur in **SS** for **SCS** for **SB 57**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Koenig moved that the conferees on **SS** for **SB 22**, as amended, be allowed to exceed the differences on sections 131.1610 and 67.1461, which motion prevailed.

Senator Rehder moved that the Senate refuse to concur in **SS** for **SB 64**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon and allow the conferees to exceed the differences in section 208.152, which motion prevailed.

Senator Hoskins assumed the Chair.

Senator Crawford assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 402**, entitled:

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to prohibiting the

publishing of the names of lottery winners, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Mosley.

On motion of Senator Mosley, **HCS** for **HB 402** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mosley, title to the bill was agreed to.

Senator Mosley moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HB 850, introduced by Representative Wiemann, entitled:

An Act to repeal section 116.160, RSMo, and to enact in lieu thereof one new section relating to constitutional amendments.

Was called from the Informal Calendar and taken up by Senator Eigel.

Senator Eigel offered **SS** for **HB 850**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 850

An Act to repeal sections 115.075, 115.121, 115.225, 115.311, 115.339, 115.341, 115.343, 115.345, 115.349, 115.355, 115.359, 115.361, 115.363, 115.364, 115.373, 115.377, 115.379, 115.387, 115.389, 115.391, 115.393, 115.395, 115.397, 115.403, 115.409, 115.427, 115.430, 115.511, 115.519, 115.521, 115.523, 115.526, 115.527, 115.529, 115.531, 115.539, 115.547, 115.549, 115.593, 116.155, 116.190, and 116.220, RSMo, and to enact in lieu thereof forty-four new sections relating to elections.

Senator Eigel moved that **SS** for **HB 850** be adopted.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 850, Page 1, Section A, Line 15, by inserting after all of said line the following:

“115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) “Automatic tabulating equipment”, the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results **and is air gapped and not connected to a network**;

(2) “Ballot”, the ballot card, paper ballot, or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(3) “Ballot card”, a ballot which is voted by making a mark which can be tabulated by automatic tabulating equipment;

(4) “Ballot label”, the card, paper, booklet, page, or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) “Counting location”, a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) “County”, any county in this state or any city not within a county;

(7) “Disqualified”, a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

(8) “District”, an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;

(9) “Electronic voting machine”, any part of an electronic voting system on which a voter is able to cast a ballot under this chapter;

(10) “Electronic voting system”, a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, including computerized voting systems;

(11) “Established political party” for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office more than two percent of the entire vote cast for the office. “Established political party” for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(12) “Federal office”, the office of presidential elector, United States senator, or representative in Congress;

(13) “Independent”, a candidate who is not a candidate of any political party and who is running for an office for which political party candidates may run;

(14) “Major political party”, the political party whose candidates received the highest or second highest number of votes at the last general election;

(15) “Marking device”, any approved device which will enable the votes to be counted by automatic tabulating equipment;

(16) “Municipal” or “municipality”, a city, village, or incorporated town of this state;

(17) “New party”, any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(18) “Nonpartisan”, a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(19) “Political party”, any established political party and any new party;

(20) “Political subdivision”, a county, city, town, village, or township of a township organization county;

(21) “Polling place”, the voting place designated for all voters residing in one or more precincts for any election;

(22) “Precincts”, the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(23) “Public office”, any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district thereof, but does not include any office in the Missouri state defense force or the National Guard or the office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

(24) “Question”, any measure on the ballot which can be voted “YES” or “NO”;

(25) “Relative within the second degree by consanguinity or affinity”, a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

(26) “Special district”, any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

(27) “Special election”, elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

(28) “Voting district”, the one or more precincts within which all voters vote at a single polling place for any election.”; and

Further amend said bill, page 5, Section 115.225, line 61, by inserting after all of said line the following:

“5. If any election authority uses any touchscreen, direct-recording, electronic vote-counting machine, the election authority may continue to use such machine. Upon the removal of such voting machine from the election authority's inventory because of mechanical malfunction, wear and tear, or any other reason, the machine shall not be replaced and no additional direct-recording electronic voting machine shall be added to the election authority's inventory. Such machines shall not be used beginning January 1, 2022, except that election authorities may allow the machines to be used by voters who are disabled as long as the machines are functional. Replacement of equipment for use by voters who are disabled shall be with paper ballot marking devices designed to assist voters.

“115.257. 1. In jurisdictions where electronic voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places.

2. At least five days before preparing electronic voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When an electronic voting machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting. The observers shall certify the vote count on each machine is set at zero.

4. After an electronic voting machine has been properly prepared and locked, its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. For the purpose of processing absentee ballots, cast by voters in person in the office of the election authority **that is deemed a designated polling place**, the election authority [may] **shall** cause voting machines, **if used**, to be put in order, set, adjusted, tested, and made ready for voting within one business day of the printing of absentee ballots as provided in section 115.281. The election authority shall have the recording counter except for the protective counter on the voting machine set to zero (000). After the voting machines have been made ready for voting, the election authority shall not permit any person to handle any voting machine, except voters while they are voting and others expressly authorized by the election authority. The election authority shall neither be nor permit any other person to be in any position or near any position that enables the authority or person to see how any absentee voter votes or has voted.

6. Nothing in this section shall prohibit the on-site storage of electronic voting machines and the preparation of the electronic machines for voting, provided the electronic voting machines are put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3, 4, and 5 of this section.

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) “Absentee ballot”, any [of the ballots] **ballot** a person is authorized to cast away from a polling place **or in the office of the election authority or other authorized location designated as a polling place by the election authority** pursuant to the provisions of sections 115.275 to 115.304;

(2) “Covered voter”:

(a) A uniformed services voter who is registered to vote in this state;

(b) A uniformed services voter defined in this section whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements;

(c) An overseas voter;

(d) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(e) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents; or

(f) Persons who have been honorably discharged from the Armed Forces, **including the Space Force**, or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents;

(3) “Interstate former resident”, a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

(4) “Intrastate new resident”, a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state after the last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

(5) “New resident”, a person who moves to this state after the last date authorized in this chapter to register to vote in any presidential election;

(6) “Overseas voter”:

(a) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(b) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(7) “Uniformed services”:

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, **Space Force**, or Coast Guard of the United States;

(b) The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) The Missouri National Guard;

(8) “Uniformed services voter”, an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, **Space Force**, or Coast Guard of the United States who is on active duty;

(b) A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) A member on activated status of the National Guard; or

(d) A spouse or dependent of a member referred to in this subdivision;

(9) “United States”, used in the territorial sense, the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

115.276. 1. An election authority may conduct absentee voting in person pursuant to subdivision (1) of subsection 1 of section 115.277 only at locations as provided in this section.

2. Beginning on the sixth Tuesday prior to the election the election authority may only conduct absentee voting in person at the office of the election authority.

3. Beginning on the third Tuesday prior to the election the election authority may only conduct absentee voting in person at the office of the election authority and at no more than one additional site in the jurisdiction of the election authority as determined by the election authority.

115.277. 1. (1) Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by absentee ballot in person at a location designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place without providing a reason for the need to vote absentee. Absentee ballots may be cast in person pursuant to this subdivision beginning on the sixth Tuesday prior to an election and ending at 5:00 p.m. on the day before the election. Any registered voter casting an absentee ballot pursuant to this subdivision shall comply with section 115.427, prior to receiving the ballot.

(2) (a) Except as provided in subsections 2, 3, **and 4**[, and 5] of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter [would be] **is** eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

[(1)] a. Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

[(2)] b. Incapacity or confinement due to illness or physical disability **on election day**, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability **and resides at the same address**;

[(3)] c. Religious belief or practice;

[(4)] d. Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

[(5)] e. Incarceration, provided all qualifications for voting are retained; **or**

[(6)] f. Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns[; or

(7) For an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subdivision shall expire on December 31, 2020].

(b) This subdivision shall only apply in the case of absentee ballots that are not cast in person but that are returned to the election authority:

a. By the voter in person;

b. In person by a relative of the voter who is within the second degree of consanguinity or affinity;

c. By mail or registered carrier; or

d. By a team of deputy election authorities.

2. Any covered voter who is eligible to register and vote in this state may vote in any election for federal office, statewide office, state legislative office, or statewide ballot initiatives by submitting a federal postcard application to apply to vote by absentee ballot or by submitting a federal postcard application at the polling place even though the person is not registered. A federal postcard application submitted by a covered voter pursuant to this subsection shall also serve as a voter registration application under section 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place the voter's name on the voter registration file. Each covered voter may vote by absentee ballot or, upon submitting an

affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

[6. For purposes of this section, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:

- (1) Are sixty-five years of age or older;
- (2) Live in a long-term care facility licensed under chapter 198;
- (3) Have chronic lung disease or moderate to severe asthma;
- (4) Have serious heart conditions;
- (5) Are immunocompromised;
- (6) Have diabetes;
- (7) Have chronic kidney disease and are undergoing dialysis; or
- (8) Have liver disease.]

115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission and by electronic mail within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, **if casting an absentee ballot pursuant to subdivision (2) of subsection 1 of section 115.277**, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under **subparagraph f of paragraph (a) of subdivision [(6)] (2)** of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part

of the ballot for which no political party designation is required.

3. [Except as provided in subsection 3 of section 115.281,] All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the Armed Forces of the United States, **including the Space Force**, or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

(2) The election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the election authority rejects the application or request, with the reasons for the rejection.

(3) Notwithstanding any other law to the contrary, if a standard oath regarding material misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms “absent uniformed services voter” and “overseas voter” shall have the meaning prescribed in 52 U.S.C. Section 20310.

6. An application for an absentee ballot by a new resident shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election

authority or any authorized officer of the election authority, and in substantially the following form:

“STATE OF _____

COUNTY OF _____, ss.

I, _____, do solemnly swear that:

(1) Before becoming a resident of this state, I resided at _____ (residence address) in _____ (town, township, village or city) of _____ County in the state of _____;

(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of _____, state of Missouri;

(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November _____, _____ (year);

(4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed _____

(Applicant)

(Residence Address)

Subscribed and sworn to before me this _____ day of _____, _____

Signed _____

(Title and name of officer authorized to administer oaths)”

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

“STATE OF _____

COUNTY OF _____, ss.

I, _____, do solemnly swear that:

(1) Before becoming a resident of this election jurisdiction, I resided at _____ (residence address) in _____ (town, township, village or city) of _____ county in the state of _____;

(2) I moved to this election jurisdiction after the last day to register to vote in such election;

(3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held _____

(date);

(4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.

Signed _____

(Applicant)

(Residence Address)

Subscribed and sworn to before me this _____ day of _____, _____

Signed _____

(Title and name of officer authorized to administer oaths)”

9. An application for an absentee ballot by an interstate former resident shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and, **if casting an absentee ballot pursuant to subdivision (2) of subsection 1 of section 115.277**, the voter's reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons established under **subparagraph f of paragraph (a) of subdivision [(6)] (2) of subsection 1 of section 115.277**, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots pursuant to subdivision (1) of subsection 1 of section 115.277 who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I

marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Signature of Person
Assisting Voter
(if applicable)

Signed _____

Subscribed and sworn
to before me this
____ day of ___, ____

Signed _____

Address of Voter

Mailing address
(if different)

Signature of notary or
other officer
authorized to
administer oaths

3. The statement for persons voting absentee ballots **pursuant to subdivision (2) of subsection 1 of section 115.277** who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

_____ absence on election day from the jurisdiction of the election authority in which I am registered;

_____ incapacity or confinement due to illness or physical disability **on election day**, including caring for a person who is incapacitated or confined due to illness or disability **and resides at the same address**;

_____ religious belief or practice;

_____ employment as an election authority or by an election authority at a location other than my polling place;

_____ incarceration, although I have retained all the necessary qualifications for voting;

_____ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Signature of Person
Assisting Voter
(if applicable)

Signed _____

Subscribed and sworn
to before me this

Signed _____

_____ day of _____, _____

Address of Voter

Mailing addresses
(if different)

Signature of notary or
other officer
authorized to
administer oaths

[3.] 4. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

I am (check one):

_____ a resident of the state of Missouri and a registered voter in _____ County and moved from that county to _____ County, Missouri, after the last day to register to vote in this election.

_____ an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of

my knowledge and belief, true.

Signature of Voter

Subscribed to and
sworn before me this
_____ day of
_____, _____

Address of Voter

Signature of notary or
other officer
authorized to
administer oaths

Mailing Address (if different)

Signature of Person
Assisting Voter

Address of Last
Missouri Residence
(if applicable)

[4.] **5.** The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

_____ absence on election day from the jurisdiction of the election authority in which I am directed to vote;

_____ incapacity or confinement due to illness or physical disability **on election day**, including caring for a person who is incapacitated or confined due to illness or disability **and resides at the same address**;

_____ religious belief or practice;

_____ employment as an election authority or by an election authority at a location other than my polling place;

_____ incarceration, although I have retained all the necessary qualifications of voting;

_____ certified participation in the address confidentiality program established under sections

589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I own property in the _____ district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Subscribed and sworn
to before me this
_____ day of
_____, _____

Address

Signature of notary or
other officer
authorized to
administer oaths

Signature of Person
Assisting Voter
(if applicable)

[5.] 6. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: _____

ASSISTING PERSON SIGN HERE

1. _____ (signature of assisting person)
2. _____ (assisting person's name printed)
3. _____ (assisting person's residence)
4. _____ (assisting person's home city or town).

[6. The election authority shall, for an election held during 2020, adjust the forms described in this section to account for voters voting absentee due to the reason established pursuant to subdivision (7) of subsection 1 of section 115.277.]

7. Notwithstanding any other provision of this section, any covered voter as defined in section 115.902 or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

8. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to **subparagraph f of paragraph (a) of subdivision (2) [or (7)]** of subsection 1 of section 115.277.

9. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

10. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

115.285. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations. [Notwithstanding any provision of law to the contrary, a ballot envelope used under section 115.302 shall be the same ballot envelope used for absentee ballots, provided an option shall be listed on the envelope to clearly indicate whether the voter is casting an absentee ballot or a mail-in ballot.]

115.286. Absentee ballots under sections 115.275 to 115.304 received by the election authority in person at the office of the election authority or other authorized location designated as a polling place by the election authority are deemed cast when received prior to election day. Absentee ballots received by the election authority through a common carrier such as the United States Postal Service or through an authorized drop box provided by the election authority are deemed cast when received prior to the time fixed by law for the closing of the polls on election day.

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, or in the case of a covered voter as defined in section 115.902, the method of transmission prescribed in section 115.914. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk

may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may file a complaint with the elections division of the secretary of state's office under and pursuant to section 115.219.

2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an intermediate care facility, residential care facility, or skilled nursing facility, as such terms are defined in section 198.006, in the county in which the jurisdiction is located or in the jurisdiction of an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. [In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county,] If the election authority receives ten or more applications for absentee ballots from the same address it [may] **shall** appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability **on election day**, [for an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2, as defined in section 115.277,] or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected. [For purposes of this subsection, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:

- (1) Sixty-five years of age or older;

- (2) Live in a long-term care facility licensed under chapter 198;
- (3) Have chronic lung disease or moderate to severe asthma;
- (4) Have serious heart conditions;
- (5) Are immunocompromised;
- (6) Have diabetes;
- (7) Have chronic kidney disease and are undergoing dialysis; or
- (8) Have liver disease.]

2. Except as provided in subsection 4 of this section, each absentee ballot that is not cast by the voter in person in the office of the election authority shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that covered voters, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

4. No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.”; and

Further amend said bill, pages 24-31, Section 115.427, lines 1-241, by striking all of said section and inserting in lieu thereof the following:

“115.427. 1. Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place, **or, if voting absentee in person pursuant to section 115.277, at the office of the election authority or other authorized location designated as a polling place by the election authority**, by presenting a form of personal **photo** identification to election officials. No form of personal **photo** identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal **photo** identification that satisfy the requirements of this section are any one of the following:

- (1) Nonexpired Missouri driver's license;
- (2) Nonexpired or nonexpiring Missouri nondriver's license;
- (3) A document that satisfies all of the following requirements:

(a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;

(b) The document shows a photograph of the individual;

(c) The document includes an expiration date, and the document is not expired, or, if expired, the

document expired after the date of the most recent general election; and

(d) The document was issued by the United States or the state of Missouri; or

(4) Any identification containing a photograph of the individual which is issued by the Missouri National Guard, the United States Armed Forces, **including the Space Force**, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States Armed Forces, **including the Space Force**, and that is not expired or does not have an expiration date.

2. (1) An individual who appears at a polling place, **or other authorized location designated as a polling place by the election authority**, without a form of personal **photo** identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place **or other authorized location** may [execute a statement, under penalty of perjury, averring that the individual is the person listed in the precinct register; averring that the individual does not possess a form of personal identification described in subsection 1 of this section; acknowledging that the individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order to vote; and acknowledging that the individual is required to present a form of personal identification, as described in subsection 1 of this section, in order to vote. Such statement shall be executed and sworn to before the election official receiving the statement. Upon executing such statement, the individual may cast a regular ballot, provided such individual presents one of the following forms of identification:

(a) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

(b) Identification issued by the United States government or agency thereof;

(c) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

(d) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the individual;

(e) Other identification approved by the secretary of state under rules promulgated pursuant to this section.

(2) For any individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place, the election authority may take a picture of such individual and keep it as part of that individual's voter registration file at the election authority.

(3) Any individual who chooses not to execute the statement described in subdivision (1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted, provided that it meets the requirements of subsection 4 of this section.

(4) For the purposes of this section, the term "election official" shall include any person working under the authority of the election authority.

3. The statement to be used for voting under subdivision (1) of subsection 2 of this section shall be substantially in the following form:

“State of _____

County of _____

I do solemnly swear (or affirm) that my name is _____; that I reside at _____; that I am the person listed in the precinct register under this name and at this address; and that, under penalty of perjury, I do not possess a form of personal identification approved for voting. As a person who does not possess a form of personal identification approved for voting, I acknowledge that I am eligible to receive free of charge a Missouri nondriver's license at any fee office if desiring it in order to vote. I furthermore acknowledge that I am required to present a form of personal identification, as prescribed by law, in order to vote.

I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

Signature of voter

Subscribed and affirmed before me this _____ day of _____, 20____

Signature of election official”

4. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the election judges cannot establish the voter's identity under this section. The election judges shall make a notation on the provisional ballot envelope to indicate that the voter's identity was not verified. The provisional ballot cast by such voter shall not be counted unless:

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 and provides a form of personal identification that allows the election judges to verify the voter's identity as provided in subsection 1 of this section; or

(b) The election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

(2) The provisional ballot otherwise qualifies to be counted under section 115.430.

5. The secretary of state shall provide advance notice of the personal identification requirements of subsection 1 of this section in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state internet websites of the secretary of state and governor.] **cast a regular ballot. Upon completing such ballot, the voter shall insert the ballot into a verification envelope with an affidavit attached to the front to be completed by the voter. Each affidavit shall include a personal identification number that allows the voter to track whether the ballot has been verified and counted and if the ballot was deemed not verifiable the tracking system shall indicate the reason that the ballot could not be verified.**

(2) The affidavit shall be in substantially the following form:**I do solemnly swear or affirm that the following is correct:**

Last Name	First Name	Middle Name
Residential Address	City	Zip Code
Mailing Address	City	Zip Code
Date of Birth	Last 4 digits of SSN# (if exists)	

I further swear or affirm that:

- **I am a registered voter in:**
 - ☐ _____ County
 - ☐ City of St. Louis
 - ☐ City of Kansas City
- **I am a qualified voter in said county or city;**
- **I am eligible to vote at this polling place;**
- **I am a citizen of the United States of America and a resident of the state of Missouri;**
- **I am at least 18 years of age;**
- **I have not been adjudged incapacitated by any court of law; and**
- **I have not voted in this election.**

I understand if the above-provided information is not correct and the election authority determines that I am not registered and eligible to vote, my vote will not be counted. I further understand knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law.

I swear under penalty of perjury that all statements made on this affidavit are true to the best of my knowledge.

Signature of Voter

(3) Upon completing the verification envelope affidavit the voter shall insert the envelope in a

verification ballot box.

(4) (a) All ballots cast pursuant to this subsection shall be verified and counted only as provided in this subdivision.

(b) One judge from each major political party shall, together, verify the ballots by verifying the signature on the verification envelope affidavit with the signature on file with the election authority. If the signature of the voter cannot be verified, the election authority shall notify the voter by mail of such fact.

(c) If the election judges cannot verify a ballot as provided in paragraph (b) of this subdivision, the voter may appeal the decision to such judges at any time prior to the certification of the election by providing a form of personal photo identification described in subsection 1 of this section.

(5) All ballots cast by voters whose eligibility has been verified as provided in this subsection shall be counted in accordance with the rules governing ballot tabulation. Ballots verified under this subsection shall not be counted until all such ballots are determined either eligible or ineligible and all such ballots shall have a determination of eligibility or ineligibility made before the election is certified.

[6.] 3. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification [in order to vote] **for voting**.

(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal **photo** identification described in subsection 1 of this section [in order to vote] **for voting**:

- (a) A birth certificate;
- (b) A marriage license or certificate;
- (c) A divorce decree;
- (d) A certificate of decree of adoption;
- (e) A court order changing the person's name;
- (f) A Social Security card reflecting an updated name; and

(g) Naturalization papers or other documents from the United States Department of State proving citizenship.

Any individual seeking one of the above documents in order to obtain a form of personal **photo** identification described in subsection 1 of this section [in order to vote] **for voting** may request the secretary of state to facilitate the acquisition of such documents. The secretary of state shall pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction in this state or any other state, or the federal government or its agencies, in order to obtain any of the above documents from such state or the federal government.

(3) All costs associated with the implementation of this section shall be reimbursed from the general revenue of this state by an appropriation for that purpose. If there is not a sufficient appropriation of state funds, then the personal identification requirements of subsection 1 of this section shall not be enforced.

(4) Any applicant who requests a nondriver's license for the purpose of voting shall not be required to pay a fee if the applicant executes a statement, under penalty of perjury, averring that the applicant does not have any other form of personal identification that meets the requirements of this section. The state of Missouri shall pay the legally required fees for any such applicant. The director of the department of revenue shall design a statement to be used for this purpose. The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

[7.] 4. The director of the department of revenue shall, by January first of each year, prepare and deliver to each member of the general assembly a report documenting the number of individuals who have requested and received a nondriver's license photo identification for the purposes of voting under this section. The report shall also include the number of persons requesting a nondriver's license for purposes of voting under this section, but not receiving such license, and the reason for the denial of the nondriver's license.

[8.] 5. The precinct register shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the precinct register:

VOTER'S IDENTIFICATION CERTIFICATE

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

PRECINCT

WARD OR TOWNSHIP _____

GENERAL (SPECIAL, **JUNE PRIMARY, AUGUST PRIMARY**)

ELECTION

Held _____, 20_____

Date

I hereby certify that I am qualified to vote at this election by signing my name and verifying my address by signing my initials next to my address.

[9.] 6. The secretary of state shall promulgate rules to effectuate the provisions of this section.

[10.] 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

[11.] 8. If any voter is unable to sign his name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

[12. This section shall become effective only upon the passage and approval by the voters of a constitutional amendment submitted to them by the general assembly regarding the authorization of photo identification requirements for elections by general law. If such constitutional amendment is approved by the voters, this section shall become effective June 1, 2017.]”; and

Further amend said bill, page 41, Section 115.430, line 320, by inserting after all of said line the following:

“115.435. After initialing the voter's identification certificate and after completing any procedures required by section 115.433, the election judges shall allow the voter to proceed to the voting booth and vote. **Once the ballot has been completed by the voter and he or she successfully submits the ballot into the ballot box, the ballot is deemed cast.**”; and

Further amend said bill, page 48, Section 115.593, line 22, by inserting after all of said line the following:

“115.652. [1.] An election shall not be conducted under sections 115.650 to 115.660 unless:

(1) The officer or agency calling the election submits a written request that the election be conducted by mail. Such request shall be submitted not later than the date specified in section 115.125 for submission of the notice of election and sample ballot;

(2) The election authority responsible for conducting the election authorizes the use of mailed ballots for the election;

(3) The election is nonpartisan;

(4) The election is not one at which any candidate is elected, retained or recalled; and

(5) The election is an issue election at which all of the qualified voters of any one political subdivision are the only voters eligible to vote.

[2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law to the contrary, an election may be conducted by mail as authorized under section 115.302, during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subsection shall expire December 31, 2020.]

115.902. As used in sections 115.900 to 115.936, the following terms shall mean:

(1) “Covered voter”:

(a) A uniformed services voter who is registered to vote in this state;

(b) A uniformed services voter defined in this section whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements; or

(c) An overseas voter;

(2) “Dependent”, an individual recognized as a dependent by a uniformed service;

(3) “Federal postcard application”, the application prescribed under Section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

(4) “Federal write-in absentee ballot”, the ballot described in Section 103 of the Uniformed and

Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

(5) “Military-overseas ballot”:

(a) A federal write-in absentee ballot;

(b) A ballot specifically prepared or distributed for use by a covered voter in accordance with sections 115.900 to 115.936; and

(c) A ballot cast by a covered voter in accordance with sections 115.900 to 115.936;

(6) “Overseas voter”:

(a) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(b) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(7) “State”, a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(8) “Uniformed services”:

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, **Space Force**, or Coast Guard of the United States;

(b) The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) The Missouri National Guard;

(9) “Uniformed services voter”, an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, **Space Force**, or Coast Guard of the United States who is on active duty;

(b) A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) A member on activated status of the National Guard; or

(d) A spouse or dependent of a member referred to in this subdivision;

(10) “United States”, used in the territorial sense, the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.”; and

Further amend said bill, page 52, Section 116.225, line 24, by inserting after all of said line the following:

“[115.302. 1. Any registered voter of this state may cast a mail-in ballot as provided in this section. Nothing in this section shall prevent a voter from casting an absentee ballot, provided such person has not cast a ballot pursuant to this section. Application for a mail-in ballot may be made by the applicant in person, or by United States mail, or on behalf of the applicant by his or her guardian or relative within the second degree of consanguinity or affinity.

2. Each application for a mail-in ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is registered, the address to which the ballot is to be mailed.

3. All applications for mail-in ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed under section 115.281. No application for a mail-in ballot received in the office of the election authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority.

4. Each application for a mail-in ballot shall be signed by the applicant or, if the application is made by a guardian or relative under this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian, or relative is blind, unable to read or write the English language, or physically incapable of signing the application, he or she shall sign by mark that is witnessed by the signature of an election official or person of his or her choice. Knowingly making, delivering, or mailing a fraudulent mail-in-ballot application is a class one election offense.

5. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

6. Each ballot envelope shall bear a statement in substantially the same form described in subsection 9 of this section. In addition, any person providing assistance to the mail-in voter shall include a signature on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

7. The statement for persons voting mail-in ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury that: I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Signature of Person
Assisting Voter
(if applicable)

Subscribed and sworn to before me this _____ day of _____, _____.

Signature of notary or other officer authorized to administer oaths.

Mailing addresses
(if different)

8. Upon receipt of a signed application for a mail-in ballot and if satisfied that the applicant is entitled to vote by mail-in ballot, the election authority shall, within three working days after receiving the application, or, if mail-in ballots are not available at the time the application is

received, within five working days after such ballots become available, deliver to the voter a mail-in ballot, ballot envelope and such instructions as are necessary for the applicant to vote. If the election authority is not satisfied that any applicant is entitled to vote by mail-in ballot, the authority shall not deliver a mail-in ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by mail-in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.

9. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp the words "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

10. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with a mail-in ballot.

11. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The statement required under subsection 7 of this section shall be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person who assists a voter and in any manner coerces or initiates a request or suggestion that the voter vote for or against, or refrain from voting on, any question or candidate, shall be guilty of a class one election offense. If, upon counting, challenge, or election contest, it is ascertained that any mail-in ballot was voted with unlawful assistance, the ballot shall be rejected.

12. Each mail-in ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter by United States mail.

13. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

14. All votes on each mail-in ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. No votes on any mail-in ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

15. If sufficient evidence is shown to an election authority that any mail-in voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if it is still sealed in the ballot envelope. Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of _____, a mail-in voter of _____ voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

16. As each mail-in ballot is received by the election authority, the election authority shall indicate its receipt on the list.

17. All mail-in ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided under this chapter.

18. Mail-in ballots shall be counted using the procedures set out in sections 115.297,

115.299, 115.300, and 115.303.

19. The false execution of a mail-in ballot is a class one election offense. The attorney general or any prosecuting or circuit attorney shall have the authority to prosecute such offense either in the county of residence of the person or in the circuit court of Cole County.

20. The provisions of this section shall apply only to an election that occurs during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2.

21. The provisions of this section terminate and shall be repealed on December 31, 2020, and shall not apply to any election conducted after that date.]; and

Further amend said bill, page 52, Section 116.220, line 16, by inserting after all of said line the following:

“Section B. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid or temporarily enjoined, such decision shall invalidate or temporarily enjoin all of the remaining provisions of this act.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted.

Senator Onder offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Bill No. 850, Pages 6-8, Section 115.275, by striking all of said section from the amendment; and

Further amend said amendment, pages 8-9, section 115.276, by striking all of said section from the amendment; and

Further amend said amendment, pages 9-11, section 115.277, by striking all of said section from the amendment; and

Further amend said amendment, pages 11-17, section 115.279, by striking all of said section from the amendment; and

Further amend said amendment, pages 17-25, section 115.283, by striking all of said section from the amendment; and

Further amend said amendment, pages 28-30, section 115.291, by striking all of said section from the amendment.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Hegeman, **SA 1** was withdrawn, rendering **SA 1** to **SA 1** moot.

Senator Bernskoetter assumed the Chair.

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 850, Page 5, Section 115.225, Line 61, by inserting after all of said line the following:

“115.306. 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state.

2. (1) Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

(2) Each potential candidate for election to a public office, except candidates for a county or city committee of a political party, shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

Candidate's Signature

Printed Name of Candidate

(3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refile for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

(4) Any person who files as a candidate for election to a public office that performs county

functions in a city not within a county shall provide appropriate copies of paid tax receipts or no tax due statements for each tax listed in subdivision (1) of this subsection that indicate the person has paid all taxes due and is not delinquent in any tax. If available, the election authority shall utilize online databases to verify the candidate's taxes instead of the paper copies provided by the candidate. The election authority shall review such documentation and the affirmation of tax payments required under subdivision (2) of this subsection. The election authority may file a complaint with the department of revenue if there appears to be any delinquency.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 850, Page 3, Section 115.121, Line 26, by inserting after all of said line the following:

“115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant’s completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. Voter registration agencies [and the division of motor vehicle and drivers licensing of the department of revenue] shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant. **The division of motor vehicle and drivers licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than three business days after the form is completed by the applicant.**

115.160. 1. All Missouri driver’s license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver’s license, renewal of driver’s license, change of address, duplicate request and a nondriver’s license. **The director of revenue shall utilize electronic voter registration application forms and provide for secure electronic transfer of voter registration information to election authorities. The secretary of state and the director of revenue shall ensure the confidentiality and integrity of the voter registration data collected, maintained, received, or transmitted under this section.**

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver’s license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded, **in a secure and electronic manner**, to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. **Voter registration information, including an electronic image of the signature of the applicant, shall be transmitted in a format compatible with the Missouri voter registration system established in section 115.158 which allows for review by the election authority and does not require the election authority to manually reenter the information, provided that the election authority shall print out a paper copy of the information and retain such information in the manner required by section 115.145.** The election authority receiving the application forms shall review the applications and forward, **in a secure and electronic manner**, any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section not later than five business days after the form is completed by the applicant.

7. Any person registering to vote when applying for or renewing a Missouri driver's license shall submit with the application form a copy of a birth certificate, a Native American tribal document, or other proof of United States citizenship, a valid Missouri driver's license, or other form of personal identification.”; and

Further amend said bill, page 49, section 115.593, line 24, by inserting after all of said line the following:

“115.960. 1. An election authority is authorized to accept voter registration applications with a signature submitted to the election authority under the provisions of sections 432.200 to 432.295 as provided in this section:

(1) Sections 432.200 to 432.295 shall only apply to transactions between parties that have agreed to conduct transactions by electronic means;

(2) Except as provided in subsection 2 of this section, as used in this section and sections 432.200 to 432.295, the parties who agree to conduct voter registration transactions by electronic means shall be the local election authority who is required to accept or reject a voter registration application and the prospective voter submitting the application;

(3) A local election authority is authorized to develop, maintain, and approve systems that transmit voter registration applications electronically under sections 432.200 to 432.295;

(4) Except as provided in subsection 2 of this section **and section 115.160**, no officer, agency, or organization shall collect or submit a voter registration application with an electronic signature to an election authority without first obtaining approval of the data and signature format from the local election authority and the approval of the voter to collect and store the signature and data; and

(5) Local election authorities who maintain a voter registration application system shall direct voter

registration applicants from other jurisdictions to the system used by the local election authority for that jurisdiction to accept voter registration applications electronically.

2. A system maintained by the secretary of state's office shall be used to accept voter registration applications electronically subsequent to approval from the committee formed as set forth in this subsection:

(1) Within thirty days of, but in no event prior to January 1, 2017, the president of the Missouri Association of County Clerks and Election Authorities shall appoint fourteen of its members to serve on a committee to approve and develop uniform standards, systems, and modifications that shall be used by the secretary of state in any electronic voter registration application system offered by that office. The committee may also make recommendations regarding the purchase, maintenance, integration, and operation of electronic databases, software, and hardware used by local election authorities and the secretary of state's office including, but not limited to, systems used for military and overseas voting and for building and conducting election operations. The committee shall have fourteen local election authorities, including representatives of each classification of counties, a representative from an election board, and at least one member who has experience processing online voter registration transactions. In addition, one representative appointed by the secretary of state's office shall serve on the committee;

(2) The committee shall immediately meet to approve electronic signature formats and a minimum set of data collection standards for use in a voter registration application system maintained by the secretary of state;

(3) Once the format and data collection standards are approved by the committee and implemented for the system maintained by the secretary of state, local election authorities shall accept the transmission of voter registration applications submitted to the approved system under the provisions of sections 432.200 to 432.295;

(4) The secretary of state's office shall direct eligible voters to a local election authority's system to accept voter registration applications electronically if the local election authority has a system in place as of August 28, 2016, or implements a system that meets the same standards and format that has been approved by the committee for the secretary of state's system;

(5) The committee shall meet not less than semiannually through June 30, 2019, to recommend and approve changes and enhancements proposed by the secretary of state or election authorities to the electronic voter registration application system. Vacancies that occur on the committee shall be filled by the president of the Missouri Association of County Clerks and Election Authorities at the time of the vacancy;

(6) To improve the accuracy of voter registration application data and reduce costs for local election authorities, the system maintained by the secretary of state shall, as soon as is practical, provide a method where the data entered by the voter registration applicant does not have to be re-entered by the election authority to the state voter registration database.

3. Each applicant who registers using an approved electronic voter registration application system shall be deemed to be registered as of the date the signed application is submitted to the system, if such application is accepted and not rejected by the election authority and the verification notice required under section 115.155 is not returned as undeliverable by the postal service.

4. This section shall not apply to voter registration and absentee records submitted by voters authorized under federal law, section 115.291, or sections 115.900 to 115.936 to submit electronic records and

signatures.

5. High quality copies, including electronic copies, of signatures made on paper documents may be used for petition signature verification purposes and retained as records.

6. Any signature required for petition submission under chapter 116 shall be handwritten on a paper document.

7. [Notwithstanding the provisions of section 432.230] **Except as provided under sections 115.160 and 432.230**, nothing in this section shall require the election authority to accept voter registration records or signatures created, generated, sent, communicated, received, stored, or otherwise processed, or used by electronic means or in electronic form from any officer, agency, or organization not authorized under subsection 2 of this section without prior approval from the election authority. **Election authorities shall accept and process voter registration records, including electronic images of applicant signatures, transmitted electronically by the division of motor vehicle and drivers licensing of the department of revenue under section 115.160.** Except as provided in subsection 2 of this section and section 115.160, no officer, agency, or organization shall give the voter the opportunity to submit a voter registration application with an electronic signature without first obtaining the approval of the local election authority.

8. An election authority that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means.

9. No election authority or the secretary of state shall furnish to any member of the public any data collected under a voter registration application system except as authorized in subsections 1 to 5 of section 115.157.

10. Nothing in this section shall be construed to require the secretary of state to cease operating a voter registration application in place as of the effective date of this act.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Moon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 850, Page 5, Section 115.225, Line 61, by inserting after all of said line the following:

“5. If any election authority uses any touchscreen, direct-recording, electronic vote-counting machine, the election authority may continue to use such machine. Upon the removal of such voting machine from the election authority’s inventory because of mechanical malfunction, wear and tear, or any other reason, the machine shall not be replaced and no additional direct-recording electronic voting machine shall be added to the election authority’s inventory. Such machines shall not be used beginning January 1, 2022, except that election authorities may allow the machines to be used by voters who are disabled as long as the machines are functional. Replacement of equipment for use by voters who are disabled shall be with paper ballot marking devices designed to assist voters.”.

Senator Moon moved that the above amendment be adopted, which motion prevailed.

Senator Eigel moved that **SS** for **HB 850**, as amended, be adopted, which motion prevailed.

Senator Eigel moved that **SS** for **HB 850**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **HB 850**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Koenig moved that the Senate refuse to concur in **SS** for **SCS** for **SBs 153** and **97**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, and that the conferees be allowed to exceed the differences in sections 67.1571, 99.874 and 144.080, which motion prevailed.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 392, regarding the Fiftieth Wedding Anniversary of Marvin and Rosalee Schubert, Wright City, which was adopted.

Senator Bean offered Senate Resolution No. 393, regarding Blane Ray, Poplar Bluff, which was adopted.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SEVENTH DAY—THURSDAY, MAY 13, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

HB 554-Eggleston, with SCS (Koenig)
(In Fiscal Oversight)

HB 834-Wright (O’Laughlin)

HB 352-Henderson, with SCS (Brown)

HCS for HB 1242, with SCS (Luetkemeyer)

HJR 6-Schnelting, with SCS (Eigel)
HCS for HB 1358, with SCS (Eigel)

(In Fiscal Oversight)

HCS for HB 1204, with SCS (Brown)

HB 507-Rone (Bean)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)	SB 182-O'Laughlin
SB 3-Hegeman	SB 183-O'Laughlin
SB 7-Riddle, with SS & SA 1 (pending)	SB 184-Bean, with SCS
SB 10-Schatz, with SS (pending)	SB 195-Koenig
SB 11-Schatz, with SS & SA 1 (pending)	SB 198-Eigel, with SCS
SB 24-Eigel, with SS#2 (pending)	SB 204-Cierpiot, with SCS
SB 30-Cierpiot	SB 206-Arthur
SB 39-Burlison, with SS (pending)	SB 218-Luetkemeyer, with SCS
SB 47-Hough	SB 227-Arthur
SB 54-O'Laughlin, with SCS	SB 236-Hough, with SCS
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)	SB 244-Onder
SB 62-Williams, with SCS	SB 253-Hegeman
SB 65-Rehder, with SCS	SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)
SB 74-Bean, with SCS	SB 255-Riddle
SB 92-Riddle, with SCS	SB 265-Eslinger
SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)	SB 282-Hegeman, with SCS
SB 95-Onder, with SCS	SB 287-Crawford
SB 96-Hoskins, with SCS	SB 291-Brown
SB 98-Hoskins, with SCS (pending)	SB 295-Crawford, with SCS
SB 100-Koenig, with SCS	SB 301-Bernskoetter, with SCS & SA 1 (pending)
SB 105-Crawford, with SCS	SB 306-Bernskoetter, with SCS
SB 114-Bernskoetter	SB 313-Eigel
SB 123-Hough, with SS & SA 2 (pending)	SB 316-Hough
SB 131-Luetkemeyer	SB 318-May, with SCS
SB 132-O'Laughlin, with SCS	SB 334-Bernskoetter
SB 134-O'Laughlin and Cierpiot	SB 343-Brown
SB 137-Brattin	SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
SB 138-Brattin, with SCS	SB 360-Wieland, with SCS
SB 139-Bean	SB 361-Wieland
SB 149-Onder	SB 369-White
SB 163-Cierpiot	SB 370-Brown
SB 168-Burlison	SB 372-Riddle
SB 169-Burlison	SB 375-Eigel
SB 174-Hough, with SCS	SB 383-Moon
SB 179-Luetkemeyer	SB 390-Luetkemeyer

SB 399-Eigel	SB 529-Cierpiot
SB 400-Onder, with SCS	SB 547-Hoskins, with SCS
SB 404-Riddle	SB 561-Gannon
SB 408-Wieland	SB 562-Schupp
SB 434-Washington	SB 577-Riddle, with SCS
SB 437-Hoskins	SB 582-Eslinger
SB 459-Brattin, with SCS	SB 604-Koenig, with SCS
SB 465-Hoskins, with SCS	SJR 2-Onder, with SCS
SB 466-Hoskins, with SCS	SJR 4-Koenig
SB 473-Brown	SJR 7-Eigel
SB 481-Hough, et al	SJR 12-Luetkemeyer
SB 506-Bean	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS, SA 1 & SA 2 to SA 1 (pending) (Luetkemeyer)	HB 578-Bromley, with SCS (Brown)
HCS#2 for HB 75 (Onder)	HB 585-Houx, with SCS (Rehder)
HCS for HBs 85 & 310, with SCS (Burlison)	HB 624-Richey (Arthur)
HCS for HB 137, with SCS (Luetkemeyer)	HCS for HB 649, with SCS (Bernskoetter)
HB 139-Hudson (Burlison)	HB 657-Trent, with SCS (Hough)
HCS for HB 162, with SCS (Hough)	HB 661-Ruth, with SS, SA 8 & SA 2 to SA 8 (pending) (Brown)
HCS for HB 228, with SCS (O'Laughlin)	HB 670-Houx (Moon)
HCS for HB 242, with SCS (Burlison)	HB 687-Riley (Hough)
HB 249-Ruth (Wieland)	HB 701-Black (Onder)
HB 299-Wallingford, with SCS (Eigel)	HCS for HB 825, with SCS (Burlison)
HCS for HB 320, with SCS (Cierpiot)	SS for HB 850-Wiemann (Eigel)
(In Fiscal Oversight)	(In Fiscal Oversight)
HB 333-Simmons (Onder)	HB 911-Hill (Onder)
HCS for HB 334 (Schatz)	HB 948-Francis, with SS for SCS, as amended (Hoskins)
HCS for HB 350 (Rehder)	HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 & 1097, with SS & SA 1 (pending) (Bernskoetter)
HCS for HB 384, with SCS (Wieland)	HCS for HBs 1123 & 1221 (Koenig)
HB 488-Hicks, with SCS (Burlison)	HCS for HJRs 20, 2, 9 & 27 (Onder)
HCS for HB 508, with SCS (Bernskoetter)	HCS for HJRs 23 & 38 (Eslinger)
HCS for HB 529, with SS for SCS, as amended (Hoskins)	
HB 530 & HCS for HB 292, with SCS (Burlison)	
HB 542-Shields, with SS, as amended (Burlison)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)
 HB 202-McGill (Gannon)
 HB 404-Aldridge (May)
 HB 449-Tate (Gannon)
 HB 522-Windham (Williams)

HB 640-Morse (Bean)
 HB 1053-Patterson (Onder)
 HB 296-Wallingford (White)
 HB 298-Wallingford (White)
 HB 262-Black (137) (Eslinger)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 9-Riddle, with HA 1, HA 1 to HA 2, HA 2,
 as amended, HA 3 & HA 4
 SS for SB 22-Koenig, with HA 1, HA 2, HA 3,
 HA 5 & HA 6
 SS#2 for SB 26-Eigel, with HCS, as amended
 SB 37-Bernskoetter, with HA 1, HA 2, HA 3,
 HA 4, HA 5 & HA 6
 SS for SCS for SBs 53 & 60-Luetkemeyer, with
 HCS, as amended (Senate adopted CCR and
 passed CCS)
 SB 72-Eslinger, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SB 86-Hegeman, with HA 1, HA 2 & HA 3
 SS for SB 141-Bean, with HCS, as amended

SB 226-Koenig, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SB 303-Gannon, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SB 330-Burlison, with HCS, as amended
 SS for SB 333-Burlison, with HCS, as amended
 SB 365-Wieland, with HCS, as amended
 SCS for SB 403-Onder, with HCS, as amended
 SCS for SB 520-Roberts, with HS for HCS,
 as amended
 HCS for HB 734, with SS for SCS, as amended
 (Cierpiot)

Requests to Recede or Grant Conference

SS for SCS for SB 57-May, with HA 1
 (Senate requests House recede or grant
 conference)
 SS for SB 64-Rehder, with HCS, as amended
 (Senate requests House recede or grant
 conference)

SS for SCS for SBs 153 & 97-Koenig, with
 HCS, as amended (Senate requests
 House recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

HCR 29-Riggs (Roberts)

SCR 9-Moon, with SA 1 (pending)

✓

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY—THURSDAY, MAY 13, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“It is not how much you do, but how much love you put into the doing that matters.” (Mother Teresa)

Merciful God, we pray in these closing days of this session that we may be known for who we are and not what we are against. We pray that You will guide our steps that lead us to an openness that contains our love for what we do and the people with whom we serve. And so, we ask that You would grant us patience and love that is willing to protect the reputation of others as we seek to do what we must with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from St. Louis Public Radio and TheCenterSquare.com were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schupp offered Senate Resolution No. 394, regarding Galen Gilmore, which was adopted.

Senator Rehder offered Senate Resolution No. 395, regarding Scott A. Meyer, Cape Girardeau, which was adopted.

Senator Riddle offered Senate Resolution No. 396, regarding Gary Leifert, Troy, which was adopted.

PRIVILEGED MOTIONS

Senator Koenig moved that the conferees on **SS** for **SCS** for **SBs 153 and 97**, with **HCS**, as amended, be allowed to exceed the differences in sections 67.1461, 99.847, 137.115 and 144.080, which motion prevailed.

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **SB 9**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 9

The Conference Committee appointed on Senate Bill No. 9 with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 9, as amended;
2. That the Senate recede from its position on Senate Bill No. 9;
3. That the attached Conference Committee Substitute for Senate Bill No. 9 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jeanie Riddle
/s/ Bill White
/s/ Bob Onder
/s/ Doug Beck
Barbara Washington

FOR THE HOUSE:

/s/ Travis Fitzwater
/s/ Kurtis Gregory
/s/ Bishop Davidson
/s/ Wes Rogers
Jo Doll

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Beck	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Moon	Mosley	O’Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	White
Wieland	Williams—30					

NAYS—Senator Washington—1

Absent—Senators

Arthur Bernskoetter—2

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Riddle, **CCS** for **SB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 9

An Act to repeal sections 334.530, 334.655, and 337.068, RSMo, and to enact in lieu thereof four new sections relating to the regulation of certain professionals.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
May	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	White	Wieland—28

NAYS—Senators

Moon Washington—2

Absent—Senators

Brattin Luetkemeyer Williams—3

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 320**, with **SCS**, and **HCS** for **HB 1358**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

On behalf of Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Rowden submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 676**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for HBs 85 and 310, with **SCS**, entitled:

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms.

Was called from the Informal Calendar and taken up by Senator Burlison.

SCS for HCS for HBs 85 and 310, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 85 & 310**

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms, with penalty provisions.

Was taken up.

Senator Burlison moved that **SCS for HCS for HBs 85 and 310** be adopted.

Senator Bernskoetter assumed the Chair.

Senator Burlison offered **SS for SCS for HCS for HBs 85 and 310**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 85 & 310**

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms, with penalty provisions and an emergency clause.

Senator Burlison moved that **SS for SCS for HCS for HBs 85 and 310** be adopted.

President Kehoe assumed the Chair.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 85 and 310, Page 1, In the Title, Lines 3-5, by striking “the sole purpose of adding additional protections to the right to bear arms” and inserting in lieu thereof the following: “firearms”; and

Further amend said bill, page 9, Section 1.485, line 7, by inserting after all of said line the following:

“455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner’s safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. If the court issues, after a hearing for any full order of protection, an order of protection, the court shall also:

(1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the order is in effect;

(2) Inform the respondent of such prohibition in writing and, if the respondent is present, orally; and

(3) Forward the order to the state highway patrol so that the state highway patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS). Upon receiving an order under this subsection, the state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

5. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

[5.] 6. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

[6.] 7. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

[7.] 8. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

[8.] 9. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

[9.] 10. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a

wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service accountholder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to the petitioner shall list the name and billing telephone number of the accountholder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the accountholder in proceedings held under this chapter.

(b) Upon issuance, a copy of the full order of protection shall be transmitted, either electronically or by certified mail, to the wireless service provider's registered agent listed with the secretary of state, or electronically to the email address provided by the wireless service provider. Such transmittal shall constitute adequate notice for the wireless service provider acting under this section and section 455.523.

(c) If the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider shall notify the petitioner within three business days. Such circumstances shall include, but not be limited to, the following:

- a. The accountholder has already terminated the account;
- b. The differences in network technology prevent the functionality of a device on the network; or
- c. There are geographic or other limitations on network or service availability.

(3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and costs for any mobile device associated with the wireless telephone number or numbers.

(b) This section shall not preclude a wireless service provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers including, but not limited to, identification, financial information, and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property.

(5) No cause of action shall lie against any wireless service provider, its officers, employees, or agents, for actions taken in accordance with the terms of a court order issued under this section.

(6) As used in this section and section 455.523, a "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Federal [Telecommunications] **Communications Act of [1996] 1934** (47 U.S.C. Section [151, et seq.] **332**).

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, stalking, and sexual assault may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing domestic violence or sexual assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or disturbing the peace of

the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. If the court issues, after a hearing for any full order of protection, an order of protection, the court shall also:

(1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the order is in effect;

(2) Inform the respondent of such prohibition in writing and, if the respondent is present, orally; and

(3) Forward the order to the state highway patrol so that the state highway patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS). Upon receiving an order under this subsection, the state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

3. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence;

(9) Order a wireless service provider, in accordance with the process, provisions, and requirements set out in subdivisions (1) to (6) of subsection [9] **10** of section 455.050, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the petitioner's care

to the petitioner, if the petitioner is not the wireless service accountholder.

565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term “domestic victim” is defined under section 565.002, and:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

(2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

(3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

(5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of domestic assault, of any assault offense under this chapter, or of any offense against a domestic victim committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state two or more times would be a violation of this section, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

3. Upon a conviction for the offense of domestic assault in the fourth degree, the court shall forward the record of conviction to the Missouri state highway patrol so that the Missouri state highway patrol can update the offender’s record in the National Instant Criminal Background Check System (NICS). Upon receiving a record under this subsection, the Missouri state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; [or]

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent; or

(3) Such person has been convicted of a misdemeanor offense of domestic violence under the laws of this state, or of a crime under the laws of any state or of the United States that if committed in this state would be a misdemeanor offense of domestic violence.

2. Unlawful possession of a firearm is a class D felony, unless a person has been convicted of a

dangerous felony as defined in section 556.061, in which case it is a class C felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

4. As used in this section, the following terms mean:

(1) “Family or household member”, the same meaning as such term is defined under section 455.010;

(2) “Misdemeanor offense of domestic violence”:

(a) Domestic assault in the fourth degree under section 565.076; or

(b) Any misdemeanor offense committed by a family or household member of the victim that involves the use or attempted use of a physical force or the threatened use of a deadly weapon.”; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted.

Senator Arthur offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 85 and 310, Pages 1-7, Section 455.050, by striking all of said section from the amendment; and

Further amend said amendment, pages 7-9, section 455.523, by striking all of said section from the amendment.

Senator Arthur moved that the above amendment be adopted.

Senator Schatz assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Burlison, **HCS** for **HBs 85** and **310**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has examined the same and finds that the concurrent resolution has been duly enrolled and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

Conferees are allowed to exceed the differences in sections 135.775, 135.755, 135.305, 135.686, 135.750, 348.436 and 620.3515 on **SB 37**, with **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HA 5** and **HA 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences in sections 67.1461, 99.847 and 135.1610 on **SS** for **SB 22**, with **HA 1**, **HA 2**, **HA 3**, **HA 5** and **HA 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SBs 53** and **60**.

Emergency Clause Adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 153** and **97**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences in sections 67.1461, 99.847 and 144.080 on **HCS** for **SS** for **SCS** for **SBs 153** and **97**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SBs 153** and **97**. Representatives: Eggleston, Taylor (139), Falkner, Butz, Bland Manlove.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 64**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 64**, as amended. Representatives: Christofanelli, Smith (163), Stephens (128), Appelbaum, Lewis (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 734**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 734**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee

from the House on **SS** for **SCS** for **SBs 153** and **97**, with **HCS**, as amended: Senators Koenig, Eigel, Crawford, Rizzo and Arthur.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SB 64**, with **HCS**, as amended: Senators Rehder, Wieland, Rowden, Rizzo and Arthur.

On motion of Senator Rowden, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bean.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 43**.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 43, Page 1, In the Title, Lines 2 and 3, by deleting the words, “hearing aids covered by health benefit plans” and inserting in lieu thereof the words, “health care”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 43, Page 1, Section A, Line 3, by inserting after all of said line the following:

“190.839. Sections 190.800 to 190.839 shall expire on September 30, [2021] **2022**.

198.439. Sections 198.401 to 198.436 shall expire on September 30, [2021] **2022**.

208.437. 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director’s designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance

imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of commerce and insurance. The director of the department of commerce and insurance may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, [2021] **2022**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2021] **2022**.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2021] **2022**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2021] **2022**.”; and

Further amend said bill, Page 2, Section 376.1228, Line 20, by inserting after all of said line the following:

“633.401. 1. For purposes of this section, the following terms mean:

(1) “Engaging in the business of providing health benefit services”, accepting payment for health benefit services;

(2) “Intermediate care facility for the intellectually disabled”, a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart I;

(3) “Net operating revenues from providing services of intermediate care facilities for the intellectually disabled” shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable

contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) “Services of intermediate care facilities for the intellectually disabled” has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility’s assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. Section 1396, et seq., as amended.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the “Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund”, which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care

facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, [2021] **2022.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 43, Page 2, Section 376.1228, Line 18, by deleting the word "**six**" and inserting in lieu thereof the word "**twelve**"; and

Further amend said bill, page, and section, Line 20, by inserting after all of said line the following:

“4. Any additional costs to the state created under the provisions of this section shall be subject to appropriation. If any agency of the federal government determines that this section violates 42 U.S.C. Section 18116 relating to nondiscrimination, the provisions of this section shall be null and void.

579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter. **Any entity registered with the department of health and senior services that possesses, distributes, or delivers hypodermic needles or syringes for the purpose of operating a syringe access program or otherwise mitigating health risks associated with unsterile injection drug use shall be exempt from the provisions of this section.**

2. No entity shall be present within five hundred feet of any school building, unless such entity is in operation prior to the school building commencing operations.

3. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.

579.076. 1. A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195. **Any entity registered with the department of health and senior services that delivers or manufactures hypodermic needles or syringes for the purpose of operating a syringe access program or otherwise mitigating health risks associated with unsterile injection drug use shall be exempt from the provisions of this section.**

2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted SS for HCS for HBs 557 and 560 and has taken up and passed SS for HCS for HBs 557 and 560.

Emergency Clause Adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted SS, as amended, for SCS for HS for HB 432 and has taken up and passed SS for SCS

for **HS** for **HB 432**, as amended.

Emergency Clause Adopted.

President Kehoe assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 262**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Cierpiot, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 734**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 734

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 734;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Michael O'Donnell
/s/ J. Eggleston
/s/ Rick Francis
/s/ Doug Clemens
/s/ Tracy McCreery

FOR THE SENATE:

/s/ Senator Mike Cierpiot
/s/ Jason Bean
/s/ Eric Burlison
/s/ Doug Beck
/s/ Jill Schupp

Pursuant to Senate Rule 91, Senator Hegeman excused himself from voting on the adoption of the conference committee report on **SS** for **SCS** for **HCS** for **HB 734**.

Senator Cierpiot moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur

Bean

Beck

Bernskoetter

Brattin

Brown

Burlison

Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senator Washington—1

Absent with leave—Senators—None

Excused from voting—Senator Hegeman—1

Vacancies—None

Pursuant to Senate Rule 91, Senator Hegeman excused himself from voting on the 3rd reading of **CCS** for **SS** for **SCS** for **HCS** for **HB 734**.

On motion of Senator Cierpiot, **CCS** for **SS** for **SCS** for **HCS** for **HB 734**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 734

An Act to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.355, 393.1073, 394.020, 394.120, 394.315, and 400.9-109, RSMo, and to enact in lieu thereof nineteen new sections relating to utilities.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Hegeman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Burlison moved that **HCS** for **HBs 85** and **310**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 to **SA 1** was again taken up.

Senator Eslinger assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Arthur moved that **SA 1** to **SA 1** be adopted, which motion failed.

Senator Arthur moved that **SA 1** be adopted, which motion failed.

Senator Burlison moved that **SS** for **SCS** for **HCS** for **HBs 85** and **310** be adopted, which motion prevailed.

On motion of Senator Burlison, **SS** for **SCS** for **HCS** for **HBs 85** and **310** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz	White

Wieland—22

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators

Koenig Riddle—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
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Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden
Schatz	White	Wieland—24				

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Burlison, title to the bill was agreed to.

Senator Burlison moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 4**, entitled:

An Act to repeal sections 115.151, 115.160, 115.960, 227.299, 227.450, 227.803, 301.010, 301.020, 301.192, 301.280, 301.558, 302.171, 302.755, 303.025, 303.041, 304.022, 304.153, 306.030, 307.128, 307.175, 307.380, 407.300, 407.526, 407.536, 407.556, and 570.030, RSMo, and to enact in lieu thereof seventy-five new sections relating to transportation, with penalty provisions, an effective date for a certain section, and an emergency clause for certain sections.

With House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment Nos. 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Page 1, Section A, Line 12, by inserting after said section and line the following:

“21.795. 1. There is established a permanent joint committee of the general assembly to be known as the “Joint Committee on Transportation Oversight” to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. The seven senate members shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. No major party shall be represented by more than four members from the house of representatives. The ex officio members shall

be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

2. The department of transportation shall submit a written report prior to December thirty-first of each year to the governor and the lieutenant governor. The report shall be posted to the department's internet website so that general assembly members may elect to access a copy of the report electronically. The written report shall contain the following:

(1) A comprehensive financial report of all funds for the preceding state fiscal year which shall include a report by independent certified public accountants, selected by the commissioner of the office of administration, attesting that the financial statements present fairly the financial position of the department in conformity with generally accepted government accounting principles;

(2) A copy of the department's most current and annual publication titled "Citizen's Guide to Transportation Funding in Missouri";

(3) A copy of the department's most current and annual publication titled "Financial Snapshot - An appendix to the Citizen's Guide to Transportation Funding in Missouri";

(4) A copy of the department's most current and annual publication titled "MoDOT Results: Accountability. Innovation. Efficiency.".

3. Prior to February fifteenth of each year, the committee shall hold an annual meeting and call before its members, officials or employees of the state highways and transportation commission or department of transportation, as determined by the committee, for the [sole] purpose of receiving and examining the report required pursuant to subsection 2 of this section. The committee shall not have the power to modify projects or priorities of the state highways and transportation commission or department of transportation. The committee may make recommendations to the state highways and transportation commission or the department of transportation. Disposition of those recommendations shall be reported by the commission or the department to the joint committee on transportation oversight.

4. In addition to the annual meeting required by subsection 3 of this section, the committee shall meet two times each year. The co-chairs of the committee shall establish an agenda for each meeting that may include, but not be limited to, the following items to be discussed with the committee members throughout the year during the scheduled meeting:

(1) Presentation of a prioritized plan for all modes of transportation;

(2) Discussion of department efficiencies and expenditure of cost-savings within the department;

(3) Presentation of a status report on department of transportation revenues and expenditures, including a detailed summary of projects funded by new state revenue as provided in paragraph (a) of subdivision (1) of subsection 2 of this section; and

(4) Implementation of any actions as may be deemed necessary by the committee as authorized by law. The co-chairs of the committee may call special meetings of the committee with ten days' notice to the members of the committee, the director of the department of transportation, and the department of

transportation.

5. (1) The committee shall ensure towing companies charge fair, equitable, and reasonable rates for services rendered in connection with the towing of commercial motor vehicles, and shall:

(a) Establish a process the committee shall use to receive, investigate, and adjudicate complaints against a towing company regarding the towing of a commercial motor vehicle, and a process the commercial motor vehicle towing adjudicative board established in subdivision (4) of this subsection shall use to investigate and adjudicate any complaints referred to it by the committee;

(b) Establish factors the committee and the commercial motor vehicle towing adjudication board shall consider in determining whether a charge levied by a towing company in connection with the towing of a commercial motor vehicle is fair, equitable, and reasonable;

(c) Establish a process law enforcement agencies in the state may use to suspend or remove a towing company from their towing rotation with regard to the towing of commercial motor vehicles; and

(d) Establish information required to be included on any invoice associated with the towing of a commercial motor vehicle.

(2) The committee shall, in consultation with the department of transportation and the department of public safety, promulgate rules as necessary for the implementation of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(3) The committee shall meet as necessary to carry out the requirements of this subsection and the requirements of any rules promulgated in accordance with this subsection. The meetings required under this subsection may be held concurrently with the meetings held in accordance with subsections 3 or 4 of this section.

(4) If the committee determines a violation of the rules promulgated in accordance with this subsection may have occurred, the complaint shall be referred to the "Commercial Motor Vehicle Towing Adjudicative Board" for adjudication. The commercial motor vehicle towing adjudicative board shall consist of the chair and vice chair of the committee, the two ranking minority members of the committee, the director of the department of transportation or his or her designee, the director of the department of public safety or his or her designee, and the director of the department of revenue or his or her designee, provided that the committee shall specify by rule a recusal process through which members of the adjudicative board who may have a conflict of interest may be temporarily removed or replaced by another member of the committee. No fewer than five members of the commercial motor vehicle towing adjudicative board shall be present when the board makes a determination in accordance with this subdivision, and determinations shall be made by majority vote of the members present. If the commercial motor vehicle towing adjudicative board determines that a violation of the rules promulgated in accordance with this subsection has occurred, the towing

company that committed the violation shall not be contacted by any law enforcement agency for a nonconsensual tow for a period of six months for a first violation, a period of twelve months for a second violation, and permanently for a third violation.

(5) The committee shall keep and maintain a record of any proceedings that occur as a result of this subsection.

(6) The committee may, at the discretion of the committee, make recommendations to the governor or the general assembly regarding statutes governing the nonconsensual towing of commercial motor vehicles.

(7) As used in this subsection, the following terms shall mean:

(a) “Commercial motor vehicle”, the same meaning as defined in section 301.010;

(b) “Nonconsensual tow”, the towing or recovery of a commercial motor vehicle which was authorized, requested, or dispatched by any law enforcement agency in the state. When an owner or operator of a commercial motor vehicle requests a law enforcement officer or other public agency to initiate a tow, the tow shall be considered a nonconsensual tow;

(c) “Towing company”, the same meaning as defined in section 304.153.

6. The committee shall also review all applications for the development of specialty plates submitted to it by the department of revenue. The committee shall approve such application by a majority vote. The committee shall approve any application unless the committee receives:

(1) A signed petition from five house members or two senators that they are opposed to the approval of the proposed license plate and the reason for such opposition;

(2) Notification that the organization seeking authorization to establish a new specialty license plate has not met all the requirements of section 301.3150;

(3) A proposed new specialty license plate containing objectionable language or design;

(4) A proposed license plate not meeting the requirements of any reason promulgated by rule.

The committee shall notify the director of the department of revenue upon approval or denial of an application for the development of a specialty plate.

[6.] 7. The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.”; and

Further amend said bill, Pages 51-54, Section 304.153, Lines 1-112, by deleting said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Pages 6-7, Section 135.755, Lines 1-38, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 8, Section 143.1032, Line 32, by inserting after all of said section and line the following:

“196.276. 1. As used in this section, the following terms mean:

(1) “Consent”, a mutual acknowledgment by both a restaurant and a food delivery platform, which may be obtained electronically;

(2) “Food delivery platform”, a business that acts as a third-party intermediary by taking and arranging for the delivery or pickup of orders from multiple restaurants for ultimate consumers. The term does not include delivery or pickup orders placed directly with, and fulfilled by, a restaurant. The term does not include websites, mobile applications, or other electronic services that do not post restaurant menus, logos, or pricing information on their platforms;

(3) “Likeness”, a mark or trade name;

(4) “Mark”, a trademark or service mark, regardless of whether the trademark or service mark is actually registered;

(5) “Restaurant”, a business in this state that:

(a) Operates its own permanent food service facilities with commercial cooking equipment on its premises; and

(b) Prepares and offers to sell multiple entrees for consumption on or off the premises;

(6) “Trade name”, a name used by a person or entity to identify the person’s or entity’s business or vocation.

2. (1) A food delivery platform shall not take and arrange for the delivery or pickup of an order from a restaurant in this state unless such food delivery platform has filed a certificate of formation or registration with the secretary of state.

(2) A food delivery platform shall:

(a) Not use a restaurant’s likeness in a manner that could reasonably be interpreted to falsely suggest sponsorship or endorsement by the restaurant;

(b) Not, without the restaurant’s consent, take and arrange for the delivery or pickup of an order from a restaurant;

(c) Not, without an agreement with the restaurant, intentionally inflate or alter a restaurant’s pricing, although other charges may be assessed to the ultimate consumer if they are noted separately to the consumer;

(d) Not, without an agreement with the restaurant, attempt to charge a restaurant, or expect the restaurant to pay or absorb any fee, commission, or charge;

(e) Remove a restaurant from the food delivery platform’s services within ten days of receiving the restaurant’s request for removal unless an agreement between the food delivery platform and the restaurant states otherwise; and

(f) Clearly provide to the ultimate consumer a mechanism to express order concerns directly to the food delivery platform.

(3) Any agreement between a food delivery platform and a restaurant to take and arrange for the delivery or pickup of orders shall:

(a) Be in writing and expressly authorize the food delivery platform to take and arrange for the delivery or pickup of orders from the restaurant;

(b) Clearly identify any fee, commission, or charge that the restaurant will be required to pay or absorb; and

(c) Not include a provision, clause, or covenant that requires a restaurant to indemnify a food delivery platform, or any employee, independent contractor, or agent of the food delivery platform, for any damages or harm caused by the actions or omissions of the food delivery platform or any employee, independent contractor, or agent of the food delivery platform.

(4) Any provision in an agreement between a food delivery platform and a restaurant, or in a written consent, that is contrary to subdivision (3) of this subsection is void and unenforceable.

3. (1) A restaurant may bring an action to enjoin a violation of this section. If the court finds a violation, the court shall issue an injunction and may:

(a) Subject to subdivision (2) of this subsection, require the violator to pay to the injured party all profits derived from or damages resulting from the wrongful acts; and

(b) Order that the wrongful act be terminated.

(2) If the court finds that the food delivery platform committed a wrongful act in bad faith, in violation of this section by not having an agreement or written consent, or otherwise, as according to the circumstances of the case, the court, in the court's discretion, may:

(a) Enter judgment in an amount not to exceed three times the amount of profits and damages; and

(b) Award reasonable attorney's fees to the restaurant.”; and

Further amend said bill, Page 13, Section 227.776, Lines 1-5, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 14-15, Section 227.793, Lines 1-5, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 39, Section 303.025, Line 12, by inserting after the word “operation.” the following:

“The director of the department of revenue shall establish by rule a process for voluntary suspension of motor vehicle registration for vehicles that are inoperable or being stored and not in operation. The owner or nonresident shall not further operate the vehicle until the owner or nonresident notifies the department of revenue that the vehicle will be in operation and the department shall reinstate the motor vehicle registration upon receipt of proof of financial responsibility. Owners or nonresidents who operate a motor vehicle during a period of inoperability or storage claimed under this subsection shall be guilty of a class B misdemeanor.”; and

Further amend said bill, Page 66, Section D, Line 4, by inserting after all of said section and line the following:

“Section E. The enactment of section 196.276 of section A of this act shall become effective on January 1, 2022.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Page 18, Section 301.010, Lines 101-112, by deleting all of said lines and inserting in lieu thereof the following:

“extending not more than a [one hundred] **one hundred fifty** mile radius from such site[, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels,] ; **operated with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle rating set by the manufacturer, with a total weight not to exceed one hundred five thousand pounds;** and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the [one hundred] **one hundred fifty** mile radius from such site with an extended distance local log truck permit, such vehicle [shall] **does** not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than three axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck [may] **shall** not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, [such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds] **violations of axle weight limitations shall be subject to the load limit penalty as described in sections 304.180 to 304.220;**”; and

Further amend said bill, page, and section, Lines 115-120, by deleting all of said lines and inserting in lieu thereof the following:

“state[,] ; used exclusively in this state[,] ; used to transport harvested forest products[,] ; operated at a forested site and in an area extending not more than a [one hundred] **one hundred fifty** mile radius from such site[, operates] ; **operated** with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, **except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle weight rating set by the manufacturer with a total weight not to exceed one hundred five thousand pounds;** and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the [one hundred] **one hundred fifty** mile radius from such site with an extended distance local log truck”; and

Further amend said bill, Page 54, Section 304.153, Line 112, by inserting after all of said section and line the following:

“304.240. 1. Any person, firm, corporation, partnership or association violating any of the provisions of sections 304.170 to 304.230 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars or by confinement in a county jail for not more than twelve months, or by both the fine and confinement; provided, however, that where load limits as defined in sections 304.180 to 304.220 have been violated, the fine shall be two cents for each pound of excess

weight up to and including five hundred, and five cents for each pound of excess weight above five hundred and not exceeding one thousand, and ten cents for each pound in excess weight above one thousand; provided that, when any vehicle is being operated under a special permit as provided in section 304.200, the term “excess weight” means only weight in excess of the amount permitted in the permit as issued. The court may, in its discretion, cause to be impounded the motor vehicle operated by any person violating the provisions of this section until such time as the fine and cost assessed by the court under this section is paid.

2. Notwithstanding subsection 1 of this section, the fine for a load-limit violation under sections 304.180 to 304.220 involving a local log truck or a local log truck tractor, as such terms are defined in section 301.010, shall be as follows:

(1) If the weight exceeds the limit by one pound to four thousand nine hundred ninety-nine pounds, the fine shall be ten cents for each pound of excess weight;

(2) If the weight exceeds the limit by five thousand pounds to nine thousand nine hundred ninety-nine pounds, the fine shall be twenty cents for each pound of excess weight; and

(3) If the weight exceeds the limit by ten thousand pounds or more, the fine shall be fifty cents for each pound of excess weight.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Page 54, Section 304.153, Line 112, by inserting after said section and line the following:

“304.820. 1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless [communications] **communication** device, send, read, or write a text message or electronic message.

2. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.

3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless [communications] **communication** device to send, read, or write a text message or electronic message.

4. Except as otherwise provided in this section, no person shall operate a motor vehicle within a school zone or within a construction zone or work zone while using a hand-held wireless communication device in any manner while operating such vehicle. Prohibited uses shall include, but not be limited to reading, composing, viewing, or posting any electronic message; initiating, receiving, or conducting a conversation; or manually typing data into any electronic wireless communication device. For purposes of this subsection, “school zone” means any area upon or around any street or highway as defined in section 302.010 that is visibly marked by a sign erected by a county or municipality as an area in which a school building is located and the sections of street or highway on or adjacent to the school property that are designated by signs indicating that it is a school zone and showing the posted speed limit. “Construction zone” or “work zone” means any area upon or around any highway as defined in section 302.010 which is visibly marked by the department of transportation or a contractor or subcontractor performing work for the department of

transportation as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term “work zone” or “construction zone” also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed.

5. The provisions of subsection 1 through subsection [3] 4 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless [communications] **communication** device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

[5.] 6. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless [communications] **communication** device, while operating a noncommercial motor vehicle upon the highways of this state.

[6.] 7. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.

[7.] 8. As used in this section, “hand-held electronic wireless [communications] **communication** device” includes any hand-held cellular phone[, palm pilot, blackberry,] or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

[8.] 9. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

[9.] 10. As used in this section, “send, read, or write a text message or electronic message” means using a hand-held electronic wireless [telecommunications] **telecommunication** device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless [communications] **communication** device for the purpose of making a telephone call.

[10.] 11. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302.

[11.] 12. The state preempts the field of regulating the use of hand-held electronic wireless [communications] **communication** devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by

the operator of a motor vehicle.

[12.] **13.** The provisions of this section shall not apply to:

(1) The operator of a vehicle that is lawfully parked or stopped;

(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;

(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless [communications] **communication** devices used to transmit or receive data as part of a digital dispatch system;

(4) The use of voice-operated technology;

(5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 44**, entitled:

An Act to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.358, 394.020, 394.120, and 394.315, RSMo, and to enact in lieu thereof sixteen new sections relating to utilities.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 44, Page 9, Section 386.370, Line 20, by deleting the phrase “**thirty-eight hundredths**” on said line and inserting in lieu thereof the phrase “**three hundred fifteen thousandths**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS** for **HB 66**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 46**, entitled:

An Act to repeal sections 21.795, 68.075, 115.151, 115.160, 115.960, 300.010, 300.155, 300.347, 301.010, 301.144, 301.147, 301.192, 301.280, 301.558, 301.3139, 302.010, 302.174, 302.341, 302.755, 304.001, 304.022, 304.050, 304.240, 304.281, 306.030, 307.025, 307.128, 307.175, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, and 643.315, RSMo, and to enact in lieu thereof fifty-three new sections relating to transportation, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 2 to House Amendment No. 5, House Amendment No. 3 to House Amendment No. 5, House Amendment No. 5, as amended, and House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Pages 34 to 36, Section 301.558, Lines 1 to 70, by deleting all of said lines and section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 82, Section 1, Lines 1 and 2, by deleting the words, “**any motor vehicle, including any historic motor vehicle,**” and inserting in lieu thereof the words, “**any historic motor vehicle**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 11, Section 115.960, Line 86, by inserting after all of said section and line the following:

“173.260. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and the corresponding regulations applicable to such programs;

(3) “Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(4) “Board”, the coordinating board for higher education;

(5) “Eligible child”, the natural, adopted or stepchild of a public safety officer or employee, as defined in this section, who is less than twenty-four years of age and who is a dependent of a public safety officer or employee or was a dependent at the time of death or permanent and total disability of a public safety officer or employee;

(6) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and by rules adopted by the department of health and senior services under sections 190.001 to [190.245] **190.243**;

(7) “Employee”, any full-time employee of the department of transportation engaged in the construction or maintenance of the state’s highways, roads and bridges;

(8) “Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(9) “Grant”, the public safety officer or employee survivor grant as established by this section;

(10) “Institution of postsecondary education”, any approved public or private institution as defined in section 173.205;

(11) “Line of duty”, any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;

(12) “Public safety officer”, any firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed or permanently and totally disabled in the line of duty;

(13) “Permanent and total disability”, a disability which renders a person unable to engage in any gainful work;

(14) “Spouse”, the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer;

(15) “Tuition”, any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for either of the following to attend an institution of postsecondary education:

(1) An eligible child of a public safety officer or employee killed or permanently and totally disabled in the line of duty; or

(2) A spouse of a public safety officer killed or permanently and totally disabled in the line of duty.

3. An eligible child or spouse may receive a grant under this section only so long as the child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a child or spouse receive a grant beyond the completion of the first baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred percent of tuition when combined with similar funds made available to such child or spouse.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of performance in order for a child or spouse to remain eligible to receive a grant under this program;

(3) Make available on behalf of an eligible child or spouse an amount toward the child's or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the provisions of this section;

(4) Provide the forms and determine the procedures necessary for an eligible child or spouse to apply for and receive a grant under this program.

5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child or spouse is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child or spouse who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at anytime withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child or spouse is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child or spouse.

8. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

9. A public safety officer who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such public safety officer or employee is no longer permanently and totally disabled.

190.001. Sections 190.001 to [190.245] **190.243** shall be known and may be cited as the “Comprehensive Emergency Medical Services Systems Act”.

190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;

(3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;

(4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise provided by the Constitution of the state of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the objects of the district or the proper administration, management, protection or control of its property;

(7) To maintain the ambulance service for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care; to exclude from the use of the ambulance service all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the ambulance service to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;

(8) To provide for health, accident, disability and pension benefits for the salaried members of its organized ambulance district and such other benefits for the members’ spouses and minor children, through either, or both, a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within the level of available revenue of the pension program and other available revenue of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the ambulance district elected by the contributing members. The board of trustees shall not be the same as the board of directors;

(9) To purchase insurance indemnifying the district and its employees, officers, volunteers and directors against liability in rendering services incidental to the furnishing of ambulance services. Purchase of

insurance pursuant to this section is not intended to waive sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

(10) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, for the volunteer members of any organized ambulance district and such other benefits for their spouses and eligible unemancipated children, either through a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district.

2. The use of any ambulance service of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted pursuant to any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance.

4. Nothing in this section or in other provisions of sections 190.001 to [190.245] **190.243** shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the ambulance service within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

5. After August 28, 1998, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing within a thirty-day period and shall make a finding that the proposed contract to manage and operate the ambulance service will:

(1) Provide benefits to the public health that outweigh the associated costs;

(2) Maintain or enhance public access to ambulance service;

(3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.

6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section and after a sixty-day period, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least thirty days.

(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out.

7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding basic life

support ambulances shall require such ambulances to be equipped with an automated external defibrillator and be staffed by at least one individual trained in the use of an automated external defibrillator.

8. The ambulance district may adopt procedures for conducting fingerprint background checks on current and prospective employees, contractors, and volunteers. The ambulance district may submit applicant fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history. The fingerprints shall be used to search the Missouri criminal records repository and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees shall be as set forth in section 43.530.

190.098. 1. In order for a person to be eligible for certification by the department as a community paramedic, an individual shall:

(1) Be currently certified as a paramedic;

(2) Successfully complete or have successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and

(3) Complete an application form approved by the department.

2. A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse through a collaborative practice arrangement with a physician or a physician assistant through a collaborative practice arrangement with a physician and there is no duplication of services to the patient from another provider.

3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service.

4. A community paramedic is subject to the provisions of sections 190.001 to [190.245] **190.243** and rules promulgated under sections 190.001 to [190.245] **190.243**.

5. No person shall hold himself or herself out as a community paramedic or provide the services of a community paramedic unless such person is certified by the department.

6. The medical director shall approve the implementation of the community paramedic program.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

190.100. As used in sections 190.001 to [190.245] **190.257**, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed

a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to [190.245] **190.243** and rules and regulations adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(2) “Advanced life support (ALS)”, an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(3) “Ambulance”, any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) “Ambulance service”, a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to [190.245] **190.243**, and the rules promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**;

(5) “Ambulance service area”, a specific geographic area in which an ambulance service has been authorized to operate;

(6) “Basic life support (BLS)”, a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(7) “Council”, the state advisory council on emergency medical services;

(8) “Department”, the department of health and senior services, state of Missouri;

(9) “Director”, the director of the department of health and senior services or the director’s duly authorized representative;

(10) “Dispatch agency”, any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) “Emergency”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person’s health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) “Emergency medical dispatcher”, a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national

curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(13) “Emergency medical responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to [190.245] **190.243** and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) “Emergency medical response agency”, any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) “Emergency medical services for children (EMS-C) system”, the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) “Emergency medical services (EMS) system”, the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243**, and by rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(18) “Emergency medical technician-basic” or “EMT-B”, a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(19) “Emergency medical technician-community paramedic”, “community paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

(20) “Emergency medical technician-paramedic” or “EMT-P”, a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(21) “Emergency services”, health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(22) “Health care facility”, a hospital, nursing home, physician’s office or other fixed location at which medical and health care services are performed;

(23) “Hospital”, an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) “Medical control”, supervision provided by or under the direction of physicians, or their designated

registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

(25) “Medical direction”, medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) “Medical director”, a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to [190.245] **190.243**;

(27) “Memorandum of understanding”, an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) “Patient”, an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) “Person”, as used in these definitions and elsewhere in sections 190.001 to [190.245] **190.243**, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) “Physician”, a person licensed as a physician pursuant to chapter 334;

(31) “Political subdivision”, any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) “Professional organization”, any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B’s, nurses, EMT-P’s, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) “Proof of financial responsibility”, proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) “Protocol”, a predetermined, written medical care guideline, which may include standing orders;

(35) “Regional EMS advisory committee”, a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) “Specialty care transportation”, the transportation of a patient requiring the services of an

emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) “Stabilize”, with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual’s medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) “State advisory council on emergency medical services”, a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) “State EMS medical directors advisory committee”, a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) “STEMI” or “ST-elevation myocardial infarction”, a type of heart attack in which impaired blood flow to the patient’s heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) “STEMI care”, includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) “STEMI center”, a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) “Stroke”, a condition of impaired blood flow to a patient’s brain as defined by the department;

(44) “Stroke care”, includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) “Stroke center”, a hospital that is currently designated as such by the department;

(46) “Time-critical diagnosis”, trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;

(47) “Time-critical diagnosis advisory committee”, a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;

(48) “Trauma”, an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(47)] **(49) “Trauma care”** includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem **trauma** injuries that potentially require immediate medical or surgical intervention or treatment;

[(48)] **(50)** “Trauma center”, a hospital that is currently designated as such by the department.

190.101. 1. There is hereby established a “State Advisory Council on Emergency Medical Services” which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT’s, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The state EMS medical director, as described under section 190.103, shall serve as an ex officio member of the council.

5. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

[5.] 6. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

[6.] 7. (1) There is hereby established a standing subcommittee of the council to monitor the implementation of the recognition of the EMS personnel licensure interstate compact under sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by the chair of the council, to include at least two members as recommended by the Missouri state council of firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit reports and recommendations to the council, the department of health and senior services, the general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.

(2) The subcommittee shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of section 190.930. The hearing request shall include the request that the hearing be presented live through the internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to the council and emergency medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

(3) The department of health and senior services shall not establish or increase fees for Missouri

emergency medical services personnel licensure in accordance with this chapter for the purpose of creating the funds necessary for payment of an annual assessment under subdivision (3) of subsection 5 of section 190.924.

8. The council shall consult with the time-critical diagnosis advisory committee, as described under section 190.257, regarding time-critical diagnosis.

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official

immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, EMT-Bs, EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.104. 1. The department is authorized to establish a program to improve the quality of emergency care for pediatric patients throughout the state and to implement a comprehensive pediatric emergency medical services system in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**.

2. The department is authorized to receive contributions, grants, donations or funds from any private entity to be expended for the program authorized pursuant to this section.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to [190.245] **190.243**.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend

or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse, a duly licensed physician, or a duly licensed physician assistant be required to hold an emergency medical technician's license. When a physician assistant is in attendance with a patient on an ambulance, the physician assistant shall be exempt from any mileage limitations in any collaborative practice arrangement prescribed under law. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to [190.245] **190.243** shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to [190.245] **190.243** shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to [190.245] **190.243** shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury

occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to [190.245] **190.243**.

190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to [190.245] **190.243**, and in accordance with rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;

- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to [190.245] **190.243**.

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to [190.245] **190.243** and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of

endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;
- (4) Has demonstrated the appropriate expertise in the operation of ambulance services; and
- (5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**, and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;
- (2) Equipment requirements;
- (3) Staffing requirements;
- (4) Five-year license renewal;
- (5) Records and forms;
- (6) Medical control plans;
- (7) Medical director qualifications;
- (8) Standards for medical communications;
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form

shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001 to [190.245] **190.243**, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage or proof of financial responsibility with adequate reserves maintained for each and every ambulance owned or operated by or for the applicant or licensee to provide for the payment of damages in an amount as prescribed in regulation:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him or her by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy or proof of financial responsibility shall be submitted by all licensees required to provide such insurance pursuant to sections 190.001 to [190.245] **190.243**. The insurance policy, or proof of the existence of financial responsibility, shall be submitted to the director, in such form as the director may specify, for the director's approval prior to the issuance of each ambulance service license.

3. Every insurance policy or proof of financial responsibility document required by the provisions of this section shall contain proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured licensee or entity will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of such policy, recovered against any person other than the owner, the owner's agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured licensee or entity as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the director and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulance service covered by such policy unless covered by another insurance policy in compliance with sections 190.001 to [190.245] **190.243**.

190.131. 1. The department shall accredit or certify training entities for emergency medical responders, emergency medical dispatchers, and emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The

application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to [190.245] **190.243** and all rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**, and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;
- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

190.142. 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an

emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243** and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review;

(4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(4) Have not been disciplined pursuant to sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

2. A temporary emergency medical technician license shall only authorize the [license] licensee to practice while under the immediate supervision of a licensed emergency medical technician, registered nurse, physician assistant, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

190.146. Any licensee allowing a license to lapse may within two years of the lapse request that their license be returned to active status by notifying the department in advance of such intention, and submit a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. If the licensee meets all the requirements for relicensure, the department shall issue a new emergency medical technician license to the licensee.

190.160. The renewal of any license shall require conformance with sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537, and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537.

190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit or license

required pursuant to sections 190.100 to [190.245] **190.243** for failure to comply with the provisions of sections 190.100 to [190.245] **190.243** or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate, permit or license required by sections 190.100 to [190.245] **190.243** or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to [190.245] **190.243** or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to [190.245] **190.243**, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to [190.245] **190.243** or in obtaining permission to take any examination given or required pursuant to sections 190.100 to [190.245] **190.243**;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to [190.245] **190.243**, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to [190.245] **190.243**;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to [190.245] **190.243** granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to [190.245] **190.243** who is not licensed and currently eligible to practice pursuant to sections 190.100 to [190.245] **190.243**;

(11) Issuance of a certificate, permit or license based upon a material mistake of fact;

(12) Violation of any professional trust, confidence, or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to respond to reasonable department of health and senior services' requests for necessary information to process an application or to determine license status or license eligibility;

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public;

(17) Repeated acts of negligence or recklessness in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**.

3. If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:

(1) Consult legal counsel or have legal counsel present;

(2) Have anyone present whom he or she deems to be necessary or desirable; and

(3) Refuse to answer any question or refuse to provide or sign any written statement.

The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. The administrative hearing commission shall hear all relevant evidence on remediation activities of the licensee and shall make a recommendation to the department of health and senior services as to licensure disposition based on such evidence.

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to [190.245] **190.243** relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

6. The department may notify the proper licensing authority of any other state in which the person whose

license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to [190.245] **190.243** and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to [190.245] **190.243** simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.171. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person pursuant to the provisions of sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.

190.173. 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to [190.245] **190.243** shall not be confidential.

3. Any information regarding the physical address, mailing address, phone number, fax number, or email address of a licensed ambulance service or a certified training entity, including the name of the medical director and organizational contact information, shall not be confidential.

4. This section shall not be construed to authorize the release of records, reports, or other information which may be held in department files for any holder of or applicant for any certificate, permit, or license that is subject to other specific state or federal laws concerning their disclosure.

5. Nothing in this section shall prohibit the department from releasing aggregate information in accordance with section 192.067.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, pursuant to rules promulgated by the department for the purpose of

injury etiology, patient care outcome, injury and disease prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1998, pursuant to:

- (1) Departmental regulation of trauma centers; or
- (2) [The Missouri brain and spinal cord injury registry established by sections 192.735 to 192.745; or
- (3)] Abstracts of inpatient hospital data; or
- [(4)] (3) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. All information and documents in any civil action, otherwise discoverable, may be obtained from any person or entity providing information pursuant to the provisions of sections 190.001 to [190.245] **190.243**.

190.180. 1. Any person violating, or failing to comply with, the provisions of sections 190.001 to [190.245] **190.243** is guilty of a class B misdemeanor.

2. Each day that any violation of, or failure to comply with, sections 190.001 to [190.245] **190.243** is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as such hereunder; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general of Missouri shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections 190.001 to [190.245] **190.243**, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating in violation of sections 190.001 to [190.245] **190.243**.

4. The prosecuting attorney for the county in which the violation of a political subdivision's law, ordinance or regulation relating to the provision of ambulance services occurs may prosecute such violations in the circuit court of that county. The legal officer or attorney for the political subdivision may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation.

5. A person, acting as owner, agent or otherwise, who holds a valid license for an ambulance service, shall not, incident to such person's business or service of transporting patients, violate any applicable law, ordinance or regulation of any political subdivision by providing ambulance services or operating any ambulances without a franchise, contract or mutual-aid agreement in such political subdivision, or by violating any such franchise, contract or mutual-aid agreement by any political subdivision which has enacted ordinances making it unlawful to do so. If the department receives official written notification by a political subdivision that an ambulance service has been adjudicated and found to be in violation of any applicable law or ordinance, such ambulance service shall be subject to licensure action by the department.

6. No provision of this section is intended to limit or supersede a political subdivision's right to enforce any law, ordinance, regulation, franchise, contract or mutual-aid agreement.

7. The provisions of subsections 4, 5 and 6 of this section shall not apply to a city not within a county and any county with a population of over nine hundred thousand inhabitants and any licensed ambulance service when operating in a city not within a county.

190.185. The department shall adopt, amend, promulgate, and enforce such rules, regulations and standards with respect to the provisions of this chapter as may be designed to further the accomplishment of the purpose of this law in promoting state-of-the-art emergency medical services in the interest of public

health, safety and welfare. When promulgating such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services. Any rule or portion of a rule promulgated pursuant to the authority of sections 190.001 to [190.245] **190.243** or sections 190.525 to 190.537 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.190. 1. All ambulance vehicles or aircraft that have or are qualified to have a valid license issued by the department on the day that sections 190.001 to [190.245] **190.243** take effect will have their ambulance vehicle or aircraft license expiration date extended to a date that is one year after the effective date of sections 190.001 to [190.245] **190.243**.

2. All ambulance services shall have until August 28, 1999, to comply with the provisions of sections 190.001 to [190.245] **190.243** and rules developed pursuant to sections 190.001 to [190.245] **190.243**. Pursuant to sections 190.001 to [190.245] **190.243** the department may adjust the initial period of licensure, from one year to five years, of any ambulance service licensed pursuant to sections 190.001 to [190.245] **190.243**, to equalize the number of licenses that may be renewed during each year of any five-year licensure period.

190.196. 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to [190.245] **190.243**, or by rules adopted pursuant to sections 190.001 to [190.245] **190.243**, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as an emergency medical responder, emergency medical dispatcher, emergency medical technician, registered nurse, physician assistant, or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to [190.245] **190.243**.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to [190.245] **190.243** shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

- (1) Child abuse or sexual abuse of a child;
- (2) Crimes of violence; or
- (3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

190.200. 1. The department of health and senior services in cooperation with **hospitals and** local and regional EMS systems and agencies may provide public and professional information and education

programs related to emergency medical services systems including trauma, STEMI, and stroke systems and emergency medical care and treatment. The department of health and senior services may also provide public information and education programs for informing residents of and visitors to the state of the availability and proper use of emergency medical services, **of the designation a hospital may receive as a trauma center, STEMI center, or stroke center**, of the value and nature of programs to involve citizens in the administering of prehospital emergency care, including cardiopulmonary resuscitation, and of the availability of training programs in emergency care for members of the general public.

2. The department shall, for **trauma care**, STEMI care, and stroke care, respectively:

(1) Compile [and] , assess, **and make publicly available** peer-reviewed and evidence-based clinical research and guidelines that provide or support recommended treatment standards **and that have been recommended by the time-critical diagnosis advisory committee**;

(2) Assess the capacity of the emergency medical services system and hospitals to deliver recommended treatments in a timely fashion;

(3) Use the research, guidelines, and assessment to promulgate rules establishing protocols for transporting **trauma patients to a trauma center**, STEMI patients to a STEMI center, or stroke patients to a stroke center. Such transport protocols shall direct patients to **trauma centers**, STEMI centers, and stroke centers under section 190.243 based on the centers' capacities to deliver recommended acute care treatments within time limits suggested by clinical research;

(4) Define regions within the state for purposes of coordinating the delivery of **trauma care**, STEMI care, and stroke care, respectively;

(5) Promote the development of regional or community-based plans for transporting **trauma**, STEMI, or stroke patients via ground or air ambulance to **trauma centers**, STEMI centers, or stroke centers, respectively, in accordance with section 190.243; and

(6) Establish procedures for the submission of community-based or regional plans for department approval.

3. A community-based or regional plan **for the transport of trauma, STEMI, and stroke patients** shall be submitted to the department for approval. Such plan shall be based on the clinical research and guidelines and assessment of capacity described in subsection [1] **2** of this section and shall include a mechanism for evaluating its effect on medical outcomes. Upon approval of a plan, the department shall waive the requirements of rules promulgated under sections 190.100 to [190.245] **190.243** that are inconsistent with the community-based or regional plan. A community-based or regional plan shall be developed by [or in consultation with] the representatives of hospitals, physicians, and emergency medical services providers in the community or region.

190.241. 1. **Except as provided for in subsection 4 of this section**, the department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** Such rules shall include designation as a trauma center without site review if such hospital is verified by a national verifying or designating body at the level which corresponds to a level approved in rule. **In developing trauma center designation criteria, the department shall use, as it**

deems practicable, peer-reviewed and evidence-based clinical research and guidelines including, but not limited to, the most recent guidelines of the American College of Surgeons.

2. Except as provided for in subsection [5] 4 of this section, the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, [appropriate] peer-reviewed [or] **and** evidence-based **clinical** research [on such topics] **and guidelines** including, but not limited to, the most recent guidelines of the American College of Cardiology [and] , **the** American Heart Association [for STEMI centers, or the Joint Commission's Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by] , **or** the American Stroke Association. Such rules shall include designation as a STEMI center **or stroke center** without site review if such hospital is certified by a national body.

3. The department of health and senior services shall, not less than once every [five] **three** years, conduct [an on-site] **a site** review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, with the exception of **trauma centers, STEMI centers, and** stroke centers designated pursuant to subsection [5] 4 of this section; however, this provision is not intended to limit the department's ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center. [On-site] **Site** reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has [reasonable cause to believe that] **determined** there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. **Centers that are placed on probationary status shall be required to demonstrate compliance with the provisions of this chapter and any rules or regulations promulgated under this chapter within twelve months of the date of the receipt of the notice of probationary status, unless otherwise provided by a settlement agreement with a duration of a maximum of eighteen months between the department and the designated center.** If the department of health and senior services has [reasonable cause to believe] **determined** that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive [on-site] **site** reviews because of substantial noncompliance with standards prescribed by sections 190.001 to [190.245] **190.243** or rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**, its center designation shall be revoked.

4. (1) Instead of applying for **trauma, STEMI, or stroke** center designation under subsection **1 or 2** of this section, a hospital may apply for **trauma, STEMI, or stroke** center designation under this subsection. Upon receipt of an application [from a hospital] on a form prescribed by the department, the department shall designate such hospital[:

(1) A level I STEMI center if such hospital has been certified as a Joint Commission comprehensive cardiac center or another department-approved nationally recognized organization that provides comparable

STEMI center accreditation; or

(2) A level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI receiving center by the American Heart Association accreditation process or another department-approved nationally recognized organization that provides STEMI receiving center accreditation.

5. Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:

(1) A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;

(2) A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or

(3) A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines] **at a state level that corresponds to a similar national designation as set forth in rules promulgated by the department. The rules shall be based on standards of nationally recognized organizations and the recommendations of the time-critical diagnosis advisory committee.**

(2) Except as provided by subsection [6] 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing **trauma, STEMI, or** stroke designations. The designation shall continue if such hospital remains certified **or verified**. The department may remove a hospital's designation as a **trauma center, STEMI center, or** stroke center if the hospital requests removal of the designation or the department determines that the certificate [recognizing] **or verification that qualified** the hospital [as a stroke center] **for the designation under this subsection** has been suspended or revoked. Any decision made by the department to withdraw its designation of a [stroke] center pursuant to this subsection that is based on the revocation or suspension of a certification **or verification** by a certifying **or verifying** organization shall not be subject to judicial review. The department shall report to the certifying **or verifying** organization any complaint it receives related to the [stroke] center [certification of a stroke center] designated pursuant to this subsection. The department shall also advise the complainant which organization certified **or verified** the [stroke] center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying **or verifying** organization.

[6.] 5. Any hospital receiving designation as a **trauma center, STEMI center, or** stroke center pursuant to subsection [5] 4 of this section shall:

(1) [Annually and] Within thirty days of any changes **or receipt of a certificate or verification**, submit to the department proof of [stroke] certification **or verification** and the names and contact information of the **center's** medical director and the program manager [of the stroke center]; **and**

(2) [Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5)] Participate in local and regional emergency medical services systems [by reviewing and sharing outcome data and] **for purposes of providing training [and] , sharing clinical educational resources, and collaborating on improving patient outcomes.**

Any hospital receiving designation as a level III stroke center pursuant to subsection [5] 4 of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

[7.] **6.** Hospitals designated as a **trauma center, STEMI center,** or stroke center by the department[, including those designated pursuant to subsection 5 of this section,] shall submit data [to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done] by **one of** the following methods:

(1) Entering hospital data [directly] into a state registry [by direct data entry]; **or**

(2) [Downloading hospital data from a nationally recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally recognized registry or data bank to disclose or grant access to the department facility-specific data held by the] **Entering hospital data into a national** registry or data bank. A hospital submitting data pursuant to **this** subdivision [(2) or (3) of this subsection] shall not be required to collect and submit any additional **trauma, STEMI, or stroke center** data elements. **No hospital submitting data to a national data registry or data bank under this subdivision shall withhold authorization for the department to access such data through such national data registry or data bank. Nothing in this subdivision shall be construed as requiring duplicative data entry by a hospital that is otherwise complying with the provisions of this subsection. Failure of the department to obtain access to data submitted to a national data registry or data bank shall not be construed as hospital noncompliance under this subsection.**

[8.] **7.** When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care; **and**

(4) [The data collection system shall be capable of accepting file transfers of data entered into any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements; and

(5)] **Trauma**, STEMI, and stroke center data elements shall conform to [nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines] **national registry or data bank data elements**, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity.

[9. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

10.] **8. The department shall not have authority to establish additional education requirements for emergency medicine board-certified or board-eligible physicians who are participating in the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) maintenance of certification process and are practicing in the emergency department of a facility designated as a trauma center, STEMI center, or stroke center by the department under this section. The department shall deem the education requirements promulgated by ABEM or AOBEM to meet the standards for designations under this section. Education requirements for non-ABEM or non-AOBEM certified physicians, nurses, and other providers who provide care at a facility designated as a trauma center, STEMI center, or stroke center by the department under this section shall mirror but not exceed those established by national designating or verifying bodies of trauma centers, STEMI centers, or stroke centers.**

9. The department of health and senior services may establish appropriate fees to offset **only** the costs of trauma, STEMI, and stroke center [reviews] **surveys**.

[11.] **10. No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.**

[12.] **11. Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.**

12. Failure of a hospital to provide all medical records and quality improvement documentation necessary for the department to implement the provisions of sections 190.241 to 190.243 shall result in the revocation of the hospital's designation as a trauma center, STEMI center, or stroke center. Any medical records obtained by the department shall be used only for purposes of implementing the provisions of sections 190.241 to 190.243, and the names of hospitals, physicians, and patients shall not be released by the department or members of review teams.

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center. Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

2. A physician, **physician assistant**, or registered nurse authorized by a physician who has established

verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health and senior services, even when the hospital is located outside of the ambulance service's primary service area. When initial transport from the scene of illness or injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke, or severely injured patient may be transported to the nearest appropriate facility for stabilization prior to transport to a trauma, STEMI, or stroke center.

3. Transport of the STEMI, stroke, or severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.

4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke center shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols.

190.248. 1. All investigations conducted in response to allegations of violations of sections 190.001 to [190.245] **190.243** shall be completed within six months of receipt of the allegation.

2. In the course of an investigation the department shall have access to all records directly related to the alleged violations from persons or entities licensed pursuant to this chapter or chapter 197 or 198.

3. Any department investigations that involve other administrative or law enforcement agencies shall be completed within six months of notification and final determination by such administrative or law enforcement agencies.

190.257. 1. There is hereby established the “Time-Critical Diagnosis Advisory Committee”, to be designated by the director for the purpose of advising and making recommendations to the department on:

(1) Improvement of public and professional education related to time-critical diagnosis;

(2) Engagement in cooperative research endeavors;

(3) Development of standards, protocols, and policies related to time-critical diagnosis, including recommendations for state regulations; and

(4) Evaluation of community and regional time-critical diagnosis plans, including recommendations for changes.

2. The members of the committee shall serve without compensation, except that the department shall budget for reasonable travel expenses and meeting expenses related to the functions of the committee.

3. The director shall appoint sixteen members to the committee from applications submitted for appointment, with the membership to be composed of the following:

(1) Six members, one from each EMS region, who are active participants providing emergency medical services, with at least:

(a) One member who is a physician serving as a regional EMS medical director;

(b) One member who serves on an air ambulance service;

(c) One member who resides in an urban area; and

(d) One member who resides in a rural area; and

(2) Ten members who represent hospitals, with at least:

(a) One member who is employed by a level I or level II trauma center;

(b) One member who is employed by a level I or level II STEMI center;

(c) One member who is employed by a level I or level II stroke center;

(d) One member who is employed by a rural or critical access hospital; and

(e) Three physicians, with one physician certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) and two physicians employed in time-critical diagnosis specialties at a level I or level II trauma center, STEMI center, or stroke center.

4. In addition to the sixteen appointees, the state EMS medical director shall serve as an ex officio member of the committee.

5. The director shall make a reasonable effort to ensure that the members representing hospitals have geographical representation from each district of the state designated by a statewide nonprofit membership association of hospitals.

6. Members appointed by the director shall be appointed for three-year terms. Initial appointments shall include extended terms in order to establish a rotation to ensure that only approximately one-third of the appointees will have their term expire in any given year. An appointee wishing to continue in his or her role on the committee shall resubmit an application as required by this section.

7. The committee shall consult with the state advisory council on emergency medical services, as described in section 190.101, regarding issues involving emergency medical services.

287.243. 1. This section shall be known and may be cited as the “Line of Duty Compensation Act”.

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and the corresponding regulations applicable to such programs;

(3) “Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance

program that is certified in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(4) “Child”, any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer’s fatality is:

(a) Eighteen years of age or under;

(b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

(c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(5) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and by rules adopted by the department of health and senior services under sections 190.001 to [190.245] **190.243**;

(6) “Firefighter”, any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(7) “Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(8) “Killed in the line of duty”, when any person defined in this section loses his or her life when:

(a) Death is caused by an accident or the willful act of violence of another;

(b) The public safety officer is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the public safety officer is traveling to or from employment; or the public safety officer is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the public safety officer. The division of workers’ compensation shall have the burden of proving such willful misconduct or intoxication;

(9) “Law enforcement officer”, any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person’s life;

(10) “Local governmental entity”, includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) “Public safety officer”, any law enforcement officer, firefighter, uniformed employee of the office

of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

(12) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(13) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers' compensation not later than one year from the date of death of a public safety officer. If a claim is made within one year of the date of death of a public safety officer killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the public safety officer if there is no child who survived the public safety officer;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the public safety officer, and a surviving spouse of the public safety officer;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the public safety officer;

(4) If there is no surviving spouse of the public safety officer and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a) **of this subdivision**;

(5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term “child” but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the public safety officer was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers’ compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers’ compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney’s fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers’ compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the “Line of Duty Compensation Fund”, which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund.

The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void.”; and

Further amend said bill, Page 82, Section 2, Line 6, by inserting after all of said section and line the following:

“[190.245. The department shall require hospitals, as defined by chapter 197, designated as trauma, STEMI, or stroke centers to provide for a peer review system, approved by the department, for trauma, STEMI, and stroke cases, respective to their designations, under section 537.035. For purposes of sections 190.241 to 190.245, the department of health and senior services shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of section 537.035. Failure of a hospital to provide all medical records necessary for the department to implement provisions of sections 190.241 to 190.245 shall result in the revocation of the hospital’s designation as a trauma, STEMI, or stroke center. Any medical records obtained by the department or peer review committees shall be used only for purposes of implementing the provisions of sections 190.241 to 190.245 and the names of hospitals, physicians and patients shall not be released by the department or members of review committees.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Pages 43-44, Section 302.341, Lines 1-51, by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 2, Line 20, by inserting after all of said section and line the following:

“Further amend said bill, Page 82, Section 2, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

“Section 2. No county, city, town or village in this state receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems or services or any other public accommodations.”; and”;

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 2, Line 20, by inserting after the word “information.” the following:

“142.869. 1. **(1)** The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section, provided that sales made to alternative fueled vehicles powered by propane, compressed natural gas, or liquefied natural gas that do not meet the requirements of subsection 3 of this section shall be taxed exclusively pursuant to subdivisions (4) to (7) of subsection 1 of section 142.803, respectively. The owners or operators of such motor vehicles, except plug-in electric hybrids, shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Owners or operators of plug-in electric hybrids shall pay one-half of the stated annual alternative fuel decal fee. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section. For the purposes of this section, a plug-in electric hybrid shall be any hybrid vehicle made by a manufacturer with a model year of 2018 or newer, that has not been modified from the original manufacturer specifications, with an internal combustion engine and batteries that can be recharged by connecting a plug to an electric power source.

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, the director shall provide owners of vehicles required to purchase an alternative fuel decal under subdivision (1) of this subsection, the option of purchasing a biennial alternative fuel decal for a fee of twice the annual alternative fuel decal fee stated in subdivision (1) of this subsection.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel other than propane, compressed natural gas, and liquefied natural gas, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the

front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate. Owners or operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016, that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.

4. An owner or operator of a motor vehicle powered by propane may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivision (6) of subsection 1 of section 142.803. If the appropriate motor fuel tax under subdivision (6) of subsection 1 of section 142.803 is collected at the time of fueling, an operator of a propane fueling station that uses quick-connect fueling nozzles may sell propane as a motor fuel without verifying the application of a valid Missouri alternative fuel decal. If an owner or operator of a motor vehicle powered by propane that bears an alternative fuel decal refuels at an unattended propane refueling station, such owner or operator shall not be eligible for a refund of the motor fuel tax paid at such refueling.

5. The director shall annually **or biennially**, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual **or biennial** decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, **or a fractional period of such year and a whole year**, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year. This subsection shall not apply to an owner or operator of a motor vehicle powered by propane who fuels such vehicle exclusively at unattended fueling stations that collect the motor fuel tax.

6. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year **or the current calendar year and the subsequent calendar year in the case of a biennial alternative fuel decal**, and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

7. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated

by the director.

8. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal unless the motor vehicle is exclusively fueled at propane, compressed natural gas, or liquefied natural gas fueling stations that collect the motor fuel tax.

9. No person shall cause to be put, or put, any alternative fuel into the fuel supply receptacle or battery of a motor vehicle required to have an alternative fuel decal unless the motor vehicle either has a valid decal attached to it or the appropriate motor fuel tax is collected at the time of such fueling.

10. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

11. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.”; an

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 1, Line 1, by inserting after the number 46 the following: “, Page 7, Section 68.075, Line 57, by inserting after all of said section and line the following:

“105.1550. 1. For purposes of this section, the following terms mean:

(1) “Department”, the department of labor and industrial relations;

(2) “Director”, the director of the department of labor and industrial relations or the director’s designee;

(3) “Nonresident bidder”, a person or entity who is not a resident bidder;

(4) “Public body”, the state and any of its political subdivisions including, but not limited to, a school district or public utility;

(5) “Public improvement”, a building or other construction work to be paid for in whole or in part by the use of funds of the state, its agencies, or any of its political subdivisions, including road construction, reconstruction, and maintenance projects;

(6) “Public utility”, includes municipally owned utilities and municipally owned waterworks;

(7) “Resident bidder”, a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least three years prior to the date of the first advertisement for the public improvement. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country;

(8) “Resident labor force preference”, a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

2. Notwithstanding any provision of this chapter to the contrary, when a contract for a public improvement is to be awarded to the lowest and best bidder, a resident bidder shall be allowed a

preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country including, but not limited to, any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed a resident bidder shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

3. If it is determined by the director that this section shall cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of any federal law or regulation, this section may be waived to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

4. A public body awarding a contract for public improvement shall require a nonresident bidder to specify on all project bid specifications and contract documents whether any preference as described in subsection 2 of this section is in effect in the nonresident bidder's state or country of domicile at the time of a bid submittal.

5. The director and the department shall administer and enforce this section, and the director shall adopt rules for the administration and enforcement of this section.

6. The director shall have the following powers and duties for the purposes of this section:

(1) The director shall hold hearings and investigate complaints of violations of this section;

(2) The director shall, consistent with due process of law, enter any place of employment to inspect records concerning labor force residency and to question an employer or employee and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this section. The director shall only make such an entry in response to a written complaint;

(3) The director shall develop a written complaint form applicable to this section and make it available in department offices and on the department's internet website;

(4) The director shall sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement in response to a violation of this section;

(5) The director shall investigate and ascertain the residency of a worker engaged in any public improvement in this state;

(6) The director shall administer oaths, take or cause to be taken deposition of witnesses, and require by subpoena the attendance and testimony of witnesses and the production of all books, registers, payrolls, and other evidence relevant to a matter under investigation or hearing;

(7) The director shall employ qualified personnel as are necessary for the enforcement of this section; and

(8) The director shall require a contractor or subcontractor to file, within ten days of receipt of

a request, any records enumerated in subsection 7 of this section. If the contractor or subcontractor fails to provide the requested records within ten days, the director shall direct, within fifteen days after the end of the ten-day period, the fiscal or financial office charged with the custody and disbursement of funds of the public body that contracted for construction of the public improvement or undertook the public improvement, to immediately withhold from payment to the contractor or subcontractor up to twenty-five percent of the amount to be paid to the contractor or subcontractor under the terms of the contract or written instrument under which the public improvement is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the director indicating that the request for records as required by this section has been satisfied.

7. While participating in a public improvement, a nonresident bidder domiciled in a state or country that has established a resident labor force preference shall make and keep, for a period of no less than three years, accurate records of all workers employed by the contractor or subcontractor on the public improvement. The records shall include each worker's name, address, telephone number if available, Social Security number, trade classification, and the starting and ending time of employment.

8. Any person or entity that violates the provisions of this section shall be subject to a civil penalty in an amount not to exceed one thousand dollars for each violation found in a first investigation by the director, not to exceed five thousand dollars for each violation found in a second investigation by the director, and not to exceed fifteen thousand dollars for a third or subsequent violation found in any subsequent investigation by the director. Each violation of this section for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the director shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations. The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the department.

9. A party seeking review of the director's determination pursuant to this section shall file a written request for an informal conference with the department. The request shall be received by the department within fifteen days after the date of issuance of the director's determination that a violation has occurred. During the conference, the party seeking review shall present written or oral information and arguments as to why the director's determination should be amended or vacated. The department shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill”; and

Further amend said amendment, Page 2, Line 20, by inserting after all of said line the following:

“Further amend said bill, Page 28, Section 301.033, Line 50, by inserting after all of said section and

line the following:

“301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a collector’s item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be cancelled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. [Historic vehicles may be driven to and from repair facilities one hundred miles from the vehicle’s location, and in addition may be driven up to one thousand miles per year for personal use. The owner of the historic vehicle shall be responsible for keeping a log of the miles driven for personal use each calendar year. Such log must be kept in the historic vehicle when the vehicle is driven on any state road. The historic vehicle’s mileage driven in an antique auto tour or event and mileage driven to and from such a tour or event shall not be considered mileage driven for the purpose of the mileage limitations in this section. Violation of this section shall be punishable under section 301.440 and in addition to any other penalties prescribed by law, upon plea or finding of guilt thereof, the director of revenue shall revoke the historic motor vehicle license plates of such violator which were issued pursuant to this section.

5.] Notwithstanding any provisions of this section to the contrary, any person possessing a license plate issued by the state of Missouri that is over twenty-five years old, in which the year of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the owner of the vehicle may register such plate as an historic vehicle plate as set forth in subsections 1 and 2 of this section, provided that the configuration of letters, numbers or combination of letters and numbers of such plate are not identical to the configuration of letters, numbers or combination of letters and numbers of any plates already issued to an owner by the director. Such license plate shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed in section 301.130. The owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of registration in the vehicle at all times. The certificate of registration shall be prima facie evidence that the vehicle has been properly registered with the director and that all fees have been paid.”; and

Further amend said bill, Page 52, Section 304.050, Line 76, by inserting after all of said section and line the following:

“304.153. 1. As used in this section, the following terms shall mean:

(1) “Law enforcement officer”, any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) “Motor club”, [an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle] **a legal entity that, in consideration of dues, assessments, or**

periodic payments of money, promises to provide motor club services to its members or subscribers in accordance with section 385.450;

(3) “Patrol officer”, a Missouri state highway patrol officer;

(4) “Tow list”, a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

(5) “Tow management company”, any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

(6) “Tow truck”, a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

(7) “Towing”, moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

(8) “Towing company”, any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer’s jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator’s request for a specific towing company shall be honored by the Missouri state highway patrol unless:

(a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or

(b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer.

3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances:

(1) A state or federal emergency has been declared; or

(2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company.

4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member.

5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or

owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100.

6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow truck operator from being charged with tampering under chapter 569.

7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157.

8. The provisions of this section shall not apply to counties of the third or fourth classification.”; and

Further amend said bill, Page 67, Section 365.020, Line 60, by inserting after all of said section and line the following:

“385.450. 1. As used in this section, the following terms shall mean:

(1) “Motor club”, a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers;

(2) “Motor club contract”, an agreement whereby a motor club promises to render, furnish, or procure motor club services to or for its members or subscribers;

(3) “Motor club services”, services that assist a member or subscriber of a motor club in matters relating to motor travel or the operation, use, or maintenance of a motor vehicle by supplying services that may include, but are not limited to, towing service, emergency road service, bail and guaranteed arrest bond certificate service, discount service, theft service, map service, touring service, legal fee reimbursement service in the defense of traffic offenses, and the participation in an accident and sickness or accidental death insurance benefit program.

2. Fees collected from the sale of motor club contracts shall not be subject to taxation of premiums under chapter 148.

3. Motor clubs complying with the provisions of this section shall not be required to comply with the provisions of chapter 374 or 375, or any other provisions governing insurance companies, except as specifically provided.”; and

Further amend said bill, Page 79, Section 578.120, Line 20, by inserting after all of said section and line the following:

“643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except that no decentralized motor vehicle emissions inspection program shall be established in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with

more than two hundred thousand but fewer than three hundred fifty thousand inhabitants. The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305 **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. Section 7401, et seq., and the regulations promulgated thereunder. **If the exception of certain counties from provisions of this subsection has the effect of placing the state of Missouri in noncompliance with any federal constitutional, statutory, or regulatory provision that would result in the loss of any federal funds to the state, the exception of certain counties shall expire three years from the date the state is deemed to be in noncompliance.**

2. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of Article IV, Section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide

an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 37.014 and chapter 34. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.”; and”;

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 11, Section 115.960, Line 86, by inserting after all of said section and line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred, six dollars and twelve dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title, six dollars;

(3) For each instruction permit, nondriver license, chauffeur’s, operator’s or driver’s license issued for a period of three years or less, six dollars and twelve dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed, six dollars;

(5) Notary fee or electronic transmission per processing, two dollars.

2. (1) The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection.

(2) In the event the department of revenue fails to execute a subsequent fee office contract due to the impact of COVID-19 on the operations of fee offices, at the option of the organization or entity awarded a fee office contract in effect on August 28, 2021, the fee office contract shall be extended by a period of two years from its date of execution, provided that no fee office contract shall be extended under this section when a subsequent fee office contract has already been awarded prior to August 28, 2021.

(3) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 82, Section 2,

Line 6, by inserting after all of said section and line the following:

“Section 3. Notwithstanding any other provision of law to the contrary, no business shall offer overnight parking for commercial vehicles, as such vehicles are defined under section 301.010, if such business is located within five hundred feet of any hospital property located within a city, town, or village; except that, a waiver to this requirement may be granted by order or ordinance of a city council or other governing body of a city, town, or village. Such waiver may be granted only after a public hearing held in accordance with chapter 610 open record requirements and after written notice of such hearing is provided to property owners who are within five hundred feet of the business seeking such waiver under this section. Notice shall be provided by a business seeking waiver under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 45**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Eigel moved that the Senate request the House grant further conference on **SS No. 2** for **SB 26**, with **HCS**, as amended, and that the conferees be allowed to exceed the differences in section 574.045, which motion prevailed.

Senator Rehder moved that the Senate request the House grant further conference on **SS** for **SB 64**, with **HCS**, as amended, which motion prevailed.

Senator Koenig moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 66**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences in section 135.115, which motion prevailed.

Senator White moved that **SS** for **SB 44**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 44**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 44

An Act to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.358, 394.020, 394.120, and 394.315, RSMo, and to enact in lieu thereof sixteen new sections relating to utilities.

Was taken up.

Senator White moved that **HCS** for **SS** for **SB 44**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	O’Laughlin

Razer	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland—23					

NAYS—Senators

Arthur	Burlison	Eigel	Luetkemeyer	Moon	Mosley	Onder
Rehder	Schupp	Williams—10				

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator White, **HCS** for **SS** for **SB 44**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	O’Laughlin
Razer	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland—23					

NAYS—Senators

Arthur	Burlison	Eigel	Luetkemeyer	Moon	Mosley	Onder
Rehder	Schupp	Williams—10				

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 66**, as amended: Senators Koenig, Eigel, Brattin, Beck and Roberts.

PRIVILEGED MOTIONS

Senator Wieland moved that the conferees on **SB 365**, with **HCS**, as amended, be allowed to exceed the differences in section 208.152, which motion prevailed.

Senator Wieland moved that the Senate refuse to concur in **SS** for **SCS** for **SB 4**, with **HCS**, as amended,

and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Brown moved that **HB 661**, with **SS**, **SA 8** and **SA 2** to **SA 8** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Hough, **SS** for **HB 661** was withdrawn, rendering **SA 8** and **SA 2** to **SA 8** moot.

Senator Brown offered **SS No. 2** for **HB 661**, entitled:

SENATE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 661

An Act to repeal sections 21.795, 142.869, 300.010, 301.010, 301.062, 301.131, 301.147, 301.192, 301.280, 301.558, 302.010, 302.755, 303.020, 303.025, 303.041, 304.001, 304.050, 304.153, 304.180, 304.240, 307.025, 307.128, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 385.220, 385.320, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, 643.310, and 643.315, RSMo, and to enact in lieu thereof fifty-six new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and a delayed effective date for a certain section.

Senator Brown moved that **SS No. 2** for **HB 661** be adopted, which motion prevailed.

Senator Brown moved that **SS No. 2** for **HB 661** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS No. 2** for **HB 661** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SB 202**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 202, Page 45, Section 393.1705, Line 62, by deleting the words “**renewable energy**” and inserting in lieu there of the word “**replacement**”; and

Further amend said bill and section, Page 50, Line 216, by deleting the first instance of the word “**the**” and inserting in lieu there of the word “**to**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 202, Page 6, Section 393.106, Line 86, by inserting after all of said section and line the following:

“393.170. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system, other than an energy generation unit that has a capacity of one megawatt or less, without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. (1) Before the commission shall issue an approval under subsection 1 of this section for a merchant line, an entity shall provide the commission a resolution of support passed by the county commission of each county through which the merchant line will be built. Any entity that begins construction on a merchant line after August 28, 2021, shall provide the required resolutions to the commission prior to construction, regardless of whether the commission has previously issued its approval.

(2) For the purposes of this subsection, the following terms mean:

(a) “Entity”, an electrical corporation that does not provide service to end-use customers or provide retail service in Missouri or does not collect its costs to provide service under a regional transmission organization tariff;

(b) “Merchant line”, a high-voltage direct current electric transmission line that does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by such entity.

4. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void.”; and

Further amend said bill, Page 62, Section 409.9-109, Line 102, by inserting after all of said section and line the following:

“523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent domain shall only be vested in governmental bodies or agencies whose governing body is elected or whose governing body is appointed by elected officials or in an urban redevelopment corporation operating pursuant to a redevelopment agreement with the municipality for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

2. A private utility company, public utility, rural electric cooperative, municipally owned utility, pipeline, railroad or common carrier shall have the power of eminent domain as may be granted pursuant to the provisions of other sections of the revised statutes of Missouri. For the purposes of this section, the

term “common carrier” shall not include motor carriers, contract carriers, or express companies. Where a condemnation by such an entity results in a displaced person, as defined in section 523.200, the provisions of subsections 3 and 6 to 10 of section 523.205 shall apply unless the condemning entity is subject to the relocation assistance provisions of the federal Uniform Relocation Assistance Act.

3. Any entity with the power of eminent domain and pursuing the acquisition of property for the purpose of constructing a power generation facility after December 31, 2006, after providing notice in a newspaper of general circulation in the county where the facility is to be constructed, shall conduct a public meeting disclosing the purpose of the proposed facility prior to making any offer to purchase property in pursuit thereof or, alternatively, shall provide the property owner with notification of the identity of the condemning authority and the proposed purpose for which the condemned property shall be used at the time of making the initial offer.

4. (1) Notwithstanding the provisions of subsection 2 of this section, no entity shall have the power of eminent domain under the provisions of this section for the purpose of constructing above-ground merchant lines.

(2) For the purpose of this subsection, the following terms mean:

(a) “Entity”, a utility company that does not provide service to end-use customers or provide retail service in Missouri, or does not collect its costs to provide service under a regional transmission organization tariff, regardless of whether it has received a certificate of convenience and necessity from the public service commission under section 393.170;

(b) “Merchant line”, a high-voltage direct current electric transmission line that does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by such entity.

(3) This subsection shall apply to any property or easement acquisition started on or after August 28, 2021.

(4) This subsection shall not apply to any rural electric cooperative organized or operating under the provisions of chapter 394, or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SS** for **SB 327**, entitled:

An Act to repeal sections 37.710, 135.325, 135.326, 135.327, 135.335, 135.800, 160.263, 191.975, 193.075, 210.115, 210.150, 210.152, 211.261, 211.447, 452.375, 452.410, 453.014, 453.030, 453.040, 453.070, 568.045, and 589.042, RSMo, and to enact in lieu thereof forty-seven new sections relating to the protection of children, with penalty provisions and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 3, Section 37.717, Line 14, by deleting the word “**city**” on said line and inserting in lieu thereof the word “**circuit**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 19, Section 210.143, Line 8, by deleting the words, “**suspicion to suspect**” and inserting in lieu thereof the words, “**cause to believe**”; and

Further amend said page and section, Lines 14 to 22, by deleting all of said lines and inserting in lieu thereof the following:

“3. The assessment shall be completed and the child shall be returned to the residential care facility or to the child’s parents or guardian within seventy-two hours, unless the court, after a hearing with attempted notice to the facility and to the parents or guardian and with due process for all parties, enters further orders to the contrary.

4. If the court enters an order to produce the child under this section, the court may expand the order to produce other children in the care of the residential care facility if the court finds there is reasonable cause to believe that such children may have been abused or neglected.”; and

Further amend said bill, Page 32, Section 210.1256, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following:

“medical care, and other care necessary to provide for the physical and mental health of the child”;
and

Further amend said bill, Page 34, Section 210.1271, Line 7, by inserting after, “**chapter 211**” the words, “**, or other orders as the court determines appropriate to ensure the health and safety of the children**”; and

Further amend said page and section, Line 16, by deleting the words, “**health, safety, or welfare**” and inserting in lieu thereof the words, “**health or safety**”; and

Further amend said page and section, Line 17, by inserting after all of said section and line the following:

“2. In cases of an order granted ex parte under subsection 1 of this section requiring a residential care facility to cease operations, a hearing shall be held within three business days to determine whether the order shall remain in effect, with attempted notice to the facility and the parents or guardians and due process for all parties. In determining whether the order shall remain in effect, the court shall consider whether there exists reasonable cause to believe that the grounds for the original ex parte order continue to persist or if additional grounds exist to support the ex parte order as necessary to protect the health and safety of the children at the facility.”; and

Further amend said section by renumbering accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 32, Section 210.493, Line 102, by inserting after all of said section and line the following:

“210.542. 1. The children’s division shall provide certain standards and training that prospective foster care parents shall meet before becoming licensed.

2. The children’s division shall provide performance-based criteria for the evaluation of licensed foster parents and may establish by rule the frequency of such evaluation.

3. Any person who has a current certification in the administration of cardiopulmonary resuscitation as part of his or her professional or occupational training may substitute such certification for any cardiopulmonary resuscitation training required of him or her to obtain a license to become a foster parent.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 54, Section 589.042, Line 8, by inserting after all of said line and section the following:

“589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

- (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;
- (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;
- (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;
- (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
- (e) Kidnapping in the third degree under section 565.130;
- (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;
- (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
- (h) Sexual contact with a prisoner or offender under section 566.145 if the victim is eighteen years of age or older;
- (i) Sex with an animal under section 566.111;
- (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
- (k) Possession of child pornography under section 573.037;
- (l) Sexual misconduct in the first degree under section 566.093;
- (m) Sexual misconduct in the second degree under section 566.095;

(n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the [punishment is less than one year] **offense is a misdemeanor**; or

(o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(d) Enticement of a child under section 566.151;

(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025;

(h) Promoting child pornography in the second degree under section 573.035;

(i) Patronizing prostitution under section 567.030;

(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen to seventeen years of age;

(k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

(l) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or

(m) Age misrepresentation with intent to solicit a minor under section 566.153;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and

who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

(1) Any offender registered as a predatory sexual offender [as defined in section 566.123] or a persistent sexual offender as defined in section [566.124] **566.125**;

(2) Any offender who has been adjudicated for the crime of:

(a) Rape in the first degree under section 566.030;

(b) Statutory rape in the first degree under section 566.032;

(c) Rape in the second degree under section 566.031;

(d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;

(e) Sodomy in the first degree under section 566.060;

(f) Statutory sodomy under section 566.062;

(g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;

(h) Sodomy in the second degree under section 566.061;

(i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;

(j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;

(k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;

(l) Child kidnapping under section 565.115;

(m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;

(n) Incest under section 568.020;

(o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;

(p) Child molestation in the first degree under section 566.067;

- (q) Child molestation in the second degree under section 566.068;
 - (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
 - (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
 - (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
 - (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
 - (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
 - (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
 - (x) Sexual trafficking of a child in the first degree under section 566.210;
 - (y) Sexual trafficking of a child in the second degree under section 566.211;
 - (z) Genital mutilation of a female child under section 568.065;
 - (aa) Statutory rape in the second degree under section 566.034;
 - (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
 - (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;
 - (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
 - (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
 - (ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;
 - (gg) Sexual intercourse with a prisoner or offender under section 566.145;
 - (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;
 - (ii) Use of a child in a sexual performance under section 573.200; or
 - (jj) Promoting a sexual performance by a child under section 573.205;
- (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;
- (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign

country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. “Part-time” in this subsection means for more than seven days in any twelve-month period.

9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Rowden, the Senate recessed until 10:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SB 86**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 86

The Conference Committee appointed on Senate Bill No. 86, with House Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 86, as amended;
2. That the Senate recede from its position on Senate Bill No. 86;
3. That the attached Conference Committee Substitute for Senate Bill No. 86 be Third Read and Finally Passed.

FOR THE SENATE:
/s/ Daniel J. Hegeman

FOR THE HOUSE:
/s/ Ben Baker

/s/ Andrew Koenig
 /s/ Caleb Rowden
 Lauren Arthur
 John Rizzo

/s/ Philip Christofanelli
 /s/ Ed Lewis
 /s/ Raychel Proudie
 /s/ Paula Brown

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O’Laughlin	Razer	Rehder	Rizzo
Roberts	Rowden	Schatz	Washington	White	Williams—27	

NAYS—Senators

May	Moon	Onder	Schupp	Wieland—5
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Absent—Senators

Brattin	Riddle—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SB 86**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 86

An Act to repeal section 115.646, RSMo, and to enact in lieu thereof two new sections relating to school districts, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O’Laughlin	Razer	Rehder	Rizzo
Roberts	Rowden	Schatz	Washington	White	Williams—27	

NAYS—Senators

May	Moon	Onder	Schupp	Wieland—5
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Absent—Senators

Brattin	Riddle—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

Senator Hegeman moved that the title to the bill be agreed to, which motion prevailed.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed on a standing division vote.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **HB 850** and **SS No. 2** for **HB 661**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 4**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 4**, as amended. Representatives: Francis, Henderson, Knight, Rogers, Butz.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **CCR** for **HCS** for **SS** for **SB 64**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has re-appointed the following committee to act with a like committee from the Senate on **CCR** for **HCS** for **SS** for **SB 64**, as amended. Representatives: Christofanelli, Smith (163), Stephens (128), Appelbaum, Lewis (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **CCR** for **HCS** for **SS No. 2** for **SB 26**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has re-appointed the following committee to act with a like committee from the Senate on **CCR** for **HCS** for **SS No. 2** for **SB 26**, as amended. Representatives: Schroer, Hill, Taylor (139), Aldridge, Windham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences in sections 137.115 and 94.842 in **SS** for **HCS** for **HB 66**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **HCS** for **HB 66**, as amended. Representatives: Pike, Eggleston, Christofanelli, Butz, Bland Manlove.

Also,

Mr President: I am instructed by the House of Representatives to inform the Senate that the Speaker hereby removes the following member from the Conference Committee for **HCS** for **SS** for **SB 333**: Representative Jered Taylor, District 139. The Speaker hereby appoints the following member to the Conference Committee for **HCS** for **SS** for **SB 333**: Representative Dan Shaul.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SB 26**, with **HCS**, as amended: Senators Eigel, Brattin, Hoskins, Washington and Roberts.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SB 64**, with **HCS**, as amended: Senators Rehder, Wieland, Rowden, Rizzo and Arthur.

Pursuant to Senate Rule 86, Senator Wieland requested the order of business motion be reduced to writing and distributed, which request was granted.

Senator Rowden submitted the following: Mr. President, I move that the Senate go to the order of business of House Bills for 3rd read, Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Brown moved that **SS No. 2** for **HB 661** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **HB 661** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Rizzo	Roberts	Rowden	Schatz	Washington	White

Wieland—29

NAYS—Senators

Moon	Schupp	Williams—3
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Absent—Senators

Brattin Riddle—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Razer	Rehder
Rizzo	Roberts	Rowden	Schatz	Washington	White	Wieland—28

NAYS—Senators

Moon Onder Schupp Williams—4

Absent—Senators

Brattin Riddle—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Eigel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SB 26**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 26

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, with House Amendment Nos. 1, 2, and 3 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment No. 2, House Amendment Nos. 1 and 2 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4 and 5, House Amendment Nos. 1 and 2 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 7, House Amendment No. 7 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 8, House Amendment No. 8 as amended, House

Amendment No. 10, House Amendment Nos. 1 and 3 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment Nos. 12 and 13, House Amendment Nos. 2, 3, 4 and 5 to House Amendment No. 14, House Amendment No. 14 as amended, House Amendment No. 15, House Amendment No. 1 to House Amendment No. 16, House Amendment No. 16 as amended, House Amendment No. 17, House Amendment No. 1 to House Amendment No. 18, House Amendment No. 18 as amended, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19 as amended, and House Amendment Nos. 20 and 21, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Bill No. 26;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Eigel
 /s/ Rick Brattin
 /s/ Denny Hoskins
 Barbara Washington
 Steve Roberts

FOR THE HOUSE:

/s/ Nick Schroer
 /s/ Justin Hill
 /s/ Jered Taylor
 Rasheen Aldridge
 Kevin Windham Jr.

Senator Eigel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	May	Mosley	Razer	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Eigel, **CCS No. 2** for **HCS** for **SS No. 2** for **SB 26**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE NO. 2 FOR
 SENATE BILL NO. 26

An Act to repeal sections 56.380, 56.455, 67.030, 84.400, 105.950, 149.071, 149.076, 190.307, 214.392,

217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 304.022, 307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 549.500, 557.045, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 574.085, 575.205, 575.206, 589.042, 590.030, 610.140, 650.055, 650.058, and 650.335, RSMo, and to enact in lieu thereof eighty-eight new sections relating to public safety, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	May	Mosley	Razer	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Koenig, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 153** and **97**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 153 and 97

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 153 and 97, with House Amendment No. 1 to House Amendment No. 1, and House Amendment No. 1 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for

Senate Committee Substitute for Senate Bills No. 153 and 97, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills No. 153 and 97;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 153 and 97 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Andrew Koenig

/s/ Bill Eigel

/s/ Sandy Crawford

/s/ John Rizzo

/s/ Lauren Arthur

FOR THE HOUSE:

/s/ J. Eggleston

/s/ Jered Taylor

/s/ Bill Falkner

/s/ Steve Butz

/s/ Ashley Bland Manlove

Senator Koenig moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
May	Moon	Mosley	O’Laughlin	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Williams—25			

NAYS—Senators

Razer	Washington	Wieland—3
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Absent—Senators

Burlison	Luetkemeyer	Onder	Rehder	Riddle—5
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Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Koenig, **CCS** for **HCS** for **SS** for **SCS** for **SBs 153 and 97**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 153 and 97

An Act to repeal sections 32.310, 67.1401, 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, 67.1545, 67.2677, 67.2689, 99.020, 99.320, 99.805, 99.810, 99.820, 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 135.950, 137.115, 143.011, 143.121, 143.171, 144.011, 144.014, 144.020, 144.049, 144.054, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 262.900, 353.020, and 620.2005, RSMo, and to enact in lieu thereof forty-nine new sections relating to taxation, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	May	Mosley	O’Laughlin	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Williams—25			

NAYS—Senators

Moon	Razer	Washington	Wieland—4
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Absent—Senators

Luetkemeyer	Onder	Rehder	Riddle—4
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Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
May	Mosley	O’Laughlin	Onder	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Williams—25			

NAYS—Senators

Burlison	Moon	Razer	Washington	Wieland—5
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Absent—Senators

Luetkemeyer	Rehder	Riddle—3
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Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Roberts, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 520**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 520

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate

Committee Substitute for Senate Bill No. 520, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 520;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Steve Roberts

/s/ Jason Bean

/s/ Elaine Gannon

/s/ Holly Rehder

/s/ Greg Razer

FOR THE HOUSE:

/s/ Becky Ruth

/s/ William Hardwick

/s/ Josh Hurlbert

/s/ Kimberly-Ann Collins

/s/ LaKeySha Bosley

Senator Eslinger assumed the Chair.

Senator Roberts moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Roberts, **CCS** for **HS** for **HCS** for **SCS** for **SB 520**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 520

An Act to repeal section 227.803, RSMo, and to enact in lieu thereof thirteen new sections relating to the designation of memorial infrastructure.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Roberts, title to the bill was agreed to.

Senator Roberts moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Eigel moved that **SS** for **HB 850** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 850** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz	White
Wieland—22						

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Koenig moved that the conferees on **SS** for **HCS** for **HB 66**, as amended, be allowed to exceed the differences in sections 137.115 and 94.842, which motion prevailed.

Senator White moved that **SS** for **SCS** for **SB 43**, with **HA 1**, **HA 2** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator White moved that the above amendment be adopted.

Senator Onder offered a substitute motion that the Senate refuse to concur with the House position on **SB 43** and request the House recede from its position, or failing to do so, grant the Senate a conference thereon; and, further to exceed the differences to add the following language to section 208.152.1(12)(b): “Any drug approved by the federal Food and Drug Administration that may cause the destruction of, or prevent the implantation of, an unborn child, as defined in section 188.015”.

Senator Onder moved that the above substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Moon and Wieland.

The above substitute motion was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Gannon	Hoskins	Koenig	Moon	Onder	Rehder
Schatz	Wieland—16					

NAYS—Senators

Arthur	Beck	Hegeman	Hough	May	Mosley	Razer
Rizzo	Roberts	Rowden	Schupp	Washington	White	Williams—14

Absent—Senators

Luetkemeyer	O’Laughlin	Riddle—3
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Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Rowden, the Senate recessed until 10:00 a.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rowden.

Senator Luetkemeyer assumed the Chair.

President Kehoe assumed the Chair.

Senator Riddle assumed the Chair.

President Kehoe assumed the Chair.

RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 397, regarding Randall “Randy” Lee Hamilton, Chula, which was adopted.

Senator Hegeman offered Senate Resolution No. 398, regarding Madelyn Derks, King City, which was adopted.

Senator Wieland offered Senate Resolution No. 399, regarding Hanna Mary Lenz, Imperial, which was adopted.

Senator Gannon offered Senate Resolution No. 400, regarding Correctional Captain Timothy L. Brown, Farmington, which was adopted.

Senator Gannon offered Senate Resolution No. 401, regarding Correctional Officer II David Montgomery, Irondale, which was adopted.

Senator Schupp offered Senate Resolution No. 402, regarding Jaxon Luraschi, which was adopted.

Senator Schupp offered Senate Resolution No. 403, regarding Alexa Anderson, which was adopted.

On motion of Senator Rizzo, the Senate adjourned until 10:00 a.m., Wednesday, May 19, 2021.

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 19, 2021

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

RESOLUTIONS

On behalf of Senator O’Laughlin, Senator Rowden offered Senate Resolution No. 404, regarding Correctional Officer I Alana Winter, Louisiana, which was adopted.

On behalf of Senator O’Laughlin, Senator Rowden offered Senate Resolution No. 405, regarding Correctional Officer I Philip Byram, Bowling Green, which was adopted.

On behalf of Senator O’Laughlin, Senator Rowden offered Senate Resolution No. 406, regarding Correctional Officer II Emily Cartwright, Bowling Green, which was adopted.

On behalf of Senator Schupp, Senator Rowden offered Senate Resolution No. 407, regarding Sri Jaladi, Creve Coeur, which was adopted.

On behalf of Senator Eslinger, Senator Rowden offered Senate Resolution No. 408, regarding Melanie Martin, West Plains, which was adopted.

On behalf of Senator Eslinger, Senator Rowden offered Senate Resolution No. 409, regarding Chris Carstensen, West Plains, which was adopted.

On behalf of Senator Koenig, Senator Rowden offered Senate Resolution No. 410, regarding Alex E. Reifsnyder, St. Louis, which was adopted.

On behalf of Senators Williams and Mosley, Senator Rowden offered Senate Resolution No. 411, regarding Dr. Art McCoy, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
May 17, 2021

TO THE SECRETARY OF THE SENATE
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 189 entitled:

AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to a Negro Leagues Baseball Museum special license plate.

On May 17, 2021, I approved Senate Bill No. 189.

Respectfully submitted,
Michael L. Parson
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HA 1** and has again taken up and passed **SS** for **SCS** for **SB 57**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS No. 2** for **HB 69** and has taken up and passed **SCS** for **HCS No. 2** for **HB 69**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended, for **HB 604** and has taken up and passed **SCS** for **HB 604**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HB 345** and has taken up and passed **SS** for **HB 345**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2**, as amended, for **HS** for **HB 297** and has taken up and passed **SS No. 2** for **HS** for **HB 297**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 323** entitled:

An Act to repeal sections 160.263, 160.2700, 160.2705, 161.097, 162.974, 167.263, 167.268, 167.645, 170.029, 170.047, and 171.033, RSMo, and to enact in lieu thereof seventeen new sections relating to

elementary and secondary education.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 2 to House Amendment No. 7, House Amendment No. 3 to House Amendment No. 7, House Amendment No. 7, as amended, and House Amendment No. 8.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 323, Pages 10 to 11, Section 161.097, Lines 1 to 38, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 12 to 13, Section 167.263, Lines 1 to 28, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 13 to 14, Section 167.268, Lines 1 to 39, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 14 to 19, Section 167.645, Lines 1 to 177, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 25 to 26, Section 186.080, Lines 1 to 44, by deleting all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 323, Page 2, Line 30, by inserting after all of the said line the following:

“Further amend said bill, Pages 5 to 7, Section 160.565, Lines 1 to 68, by deleting all of said section and line; and”; and

Further amend said amendment, Page 4, Lines 47-49 and Page 5, Lines 1-46, Section 161.890, by deleting all of said section and lines and inserting in lieu thereof the following:

“”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 323, Page 5, Line 46 by inserting after all of the said line the following:

“Further amend said bill, Page 11, Section 161.097, Line 38, by inserting after all of the said section and line the following:

“162.052. 1. The registered voters of a school district may file a petition with the district’s school board asking that an item be placed on a board meeting agenda. If the school board of a school district receives a petition, signed by at least five percent of the registered voters of the school district who voted in the last school board election, calling for an item to be placed on the agenda for the school board, then the school board shall place the requested item on the next meeting’s agenda and shall take a vote on the petitioned item within the next three board meetings. The petition shall include each signer’s printed or typed name, registered voting address, signature, and the date signed. The school district shall verify the petition requirements with the local election authority of the district.

2. The school board shall follow all relevant board policies in regards to the placement of the item on the agenda, time allowed for discussion, testimony allowed, quorum requirements, the process by which a vote is taken, and the required number of votes for approval.

3. The petition shall contain a concise statement of what the school board is being requested to discuss and vote upon. Such statement shall consist of no more than one hundred words. The item requested by the petition shall be presented to the board in its exact form and shall not be modified by the board.

4. A petition to request an item to be placed on the school board’s agenda shall not be submitted for the same item more than once every six months.

5. Items that may be presented to the board by petition shall include, but shall not be limited to:

(1) Implementing, changing, or repealing a board policy;

(2) Modifying or reversing an action by school administration or requesting that certain action be taken by school administration;

(3) Implementing, changing, or discontinuing the use of any curriculum or course of instruction;
or

(4) Modifying the school calendar.

6. The petition process under this section shall not be used to recall board members, change district boundaries, authorize any bonding, impose any additional tax, or for any other purpose that would require an issue be placed on the ballot to be voted upon by residents at an election. However, a petition may be used under this section to request that any of the issues described under this subsection be discussed at an upcoming school board meeting and voted upon by the school board for further consideration by the district’s voters.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 323, Page 5, Section 160.263, Line 148, by inserting after all of the said section and line the following:

“160.560. 1. The department of elementary and secondary education shall establish the “Show Me Success Diploma Program”.

2. Under the show me success diploma program, the department of elementary and secondary education shall develop the “Show Me Success Diploma” as an alternative pathway to graduation for high school students that may be earned at any point between the end of a student’s tenth grade year and the conclusion of the student’s twelfth grade year.

3. By July 1, 2022, the department of elementary and secondary education shall develop detailed requirements for students to become eligible for the show me success diploma that include at least the following:

(1) Demonstrated skills and knowledge in English, science, and mathematical literacy to be successful in college level courses offered by the community colleges in this state that count toward a degree or certificate without taking remedial or developmental course work; and

(2) Satisfactory grades on approved examinations in subjects determined to be necessary to prepare a student to enter postsecondary education without remedial or developmental course work.

4. School districts and charter schools may offer a course of study designed to meet the requirements to obtain a show me success diploma to students entering the ninth grade. Students who elect to pursue a show me success diploma shall participate in a course of study designed by the school district to meet the requirements established under subsection 3 of this section. The show me success diploma shall be available to any such student until the end of that student’s twelfth grade year.

5. Students who earn a show me success diploma may remain in high school and participate in programs of study available through the school district or charter school until that student would otherwise have graduated at the end of grade twelve. For purposes of calculation and distribution of state aid, the school district or charter school of a pupil having earned a show me success diploma who remains enrolled in the school district or charter school shall continue to include the pupil in the pupil enrollment of each such school district or charter school and shall continue to receive funding for a pupil who earns a show me success diploma until that pupil would otherwise have graduated at the end of grade twelve. Students who elect to remain in high school under this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade twelve.

6. Students who pursue but do not meet the eligibility requirements for a show me success diploma at the end of grade ten or eleven shall receive a customized program of assistance during the next school year that addresses areas in which the student demonstrated deficiencies in the course requirements. Students may choose to return to a traditional academic program without completing the show me success diploma.

7. The department of elementary and secondary education shall provide training, guidance, and assistance to teachers and administrators of the schools offering the show me success diploma and shall closely monitor the progress of the schools in the development of the program.

8. Pupils who earn a show me success diploma and do not remain enrolled in the district or charter school and instead enroll, or show proof that they will enroll, in a postsecondary educational institution eligible to participate in a student aid program administered by the U.S. Department of Education shall be included in the district’s or charter school’s state aid calculation under section 163.031, until such time that the pupil would have completed the pupil’s twelfth grade year had the

pupil not earned a show me success diploma. The funding assigned to a pupil under this subsection shall be calculated as if the pupil's attendance percentage equaled the district's or charter school's prior year average attendance percentage. For a pupil who, as provided in this subsection, is included in the district's or charter school's state aid calculation but who is not enrolled in the district or charter school, an amount equal to ninety percent of the pupil's proportionate share of the state, local, and federal aid that the district or charter school receives for the pupil under this subsection shall be deposited by the school district or charter school into an account established under sections 166.400 to 166.455 that lists the pupil as the beneficiary. The state treasurer shall provide guidance and assist school districts, charter schools, pupils, and parents or guardians of pupils with the creation, maintenance, and use of an account that has been established under sections 166.400 to 166.455.

9. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill, Page 11, Section 161.097, Line 38, by inserting after all of the said section and line the following:

“161.380. 1. Subject to appropriations, the department of elementary and secondary education shall establish the “Competency-Based Education Grant Program”.

2. (1) There is hereby created in the state treasury the “Competency-Based Education Grant Program Fund”. The fund shall consist of any appropriations to such fund and any gifts, contributions, grants, or bequests received from private or other sources for the purpose of providing competency-based education programs. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The department of elementary and secondary education shall award grants from the competency-based education grant program fund to eligible school districts for the purpose of providing competency based education programs. A school district wishing to receive such a grant shall submit an application to the department of elementary and secondary education addressing:

- (1) A core mission that competency-based education courses shall help achieve;
- (2) A plan that outlines competency-based education courses and key metrics that will show

success;

(3) Resources available to the school and in the community that will assist in creating successful competency-based outcomes; and

(4) Resources and support needed to help the school succeed in implementing competency-based education courses.

4. The department of elementary and secondary education shall facilitate the creation, sharing, and development of course assessments, curriculum, training and guidance for teachers, and best practices for the school districts that offer competency-based education courses.

5. For purposes of this section, the term “competency-based education program” means an educational program that:

(1) Affords students flexibility to progress and earn course credit upon demonstration of mastery, including through early high school graduation;

(2) Provides individual learning and assessment options, including through experiential and project-based learning, online or blended learning, additional remedial education time, technical skills assessment, and accelerated-pace curricula;

(3) Assesses student proficiency based on graduate profiles describing meaningful and critical knowledge and skills that students should have upon graduation; or

(4) Assesses student proficiency through tasks developed both locally and at the state level, performance of which demonstrate mastery.

6. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

161.385. 1. There is hereby established the “Competency-Based Education Task Force” to study and develop competency-based education programs in public schools. Task force members shall be chosen to represent the geographic diversity of the state. Task force members shall be appointed for term of two years and may be reappointed. All task force members shall be appointed before October 31, 2021, and every other year thereafter by December thirty-first of that year. The task force members shall be appointed as follows:

(1) Two members of the house of representatives appointed by the speaker of the house of representatives, with one such member from the majority party and one such member from the minority party;

(2) Two members of the senate appointed by the president pro tempore of the senate, with one such member from the majority party and one such member from the minority party;

(3) The commissioner of the department of elementary and secondary education or his or her designee; and

(4) Four members appointed by the governor. Two members shall each represent a separate school district that offers competency-based education courses.

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of its objectives as established in subsections 4 and 5 of this section. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members of the task force shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

3. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of official duties.

4. The task force shall:

(1) Work toward implementing competency-based education courses statewide and devising a plan for Missouri to lead the way in competency-based education courses;

(2) Solicit input from individuals and organizations with information or expertise relevant to the task force's objective, including experts and educators with experience related to competency-based education programs;

(3) Hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public;

(4) Identify promising competency-based education programs, including programs that:

(a) Afford students flexibility to progress and earn course credit upon demonstration of mastery, including through early high school graduation;

(b) Provide individual learning and assessment options, including through experiential and project-based learning, online or blended learning, additional remedial education time, technical skills assessments, and accelerated-pace curricula;

(c) Assess student proficiency through tasks developed both locally and at the state level, performance of which demonstrate mastery;

(5) Identify obstacles to implementing competency-based education programs in Missouri public schools;

(6) Develop comprehensive graduate profiles that describe meaningful and critical knowledge skills that students should have upon graduation that can be implemented into a diploma designation;

(7) Develop findings and recommendations for implementing competency-based education models and practices in Missouri public schools, including recommending changes to existing legislation, rules, and regulations; and

(8) Develop findings and recommendations for implementing a competency-based performance assessment that:

(a) Is consistent with the most effective competency-based education programs identified by the task force under subdivision (3) of this subsection;

(b) Assesses students based on both locally developed and common statewide performance tasks tied to grade and course competencies aligned with state content standards; and

(c) Complies with all applicable federal law, including 20 U.S.C. Section 6311(b)(1)(B), as amended. To the extent that implementing a competency-based performance assessment would require the department of elementary and secondary education to obtain innovative assessment and accountability demonstration authority under 20 U.S.C. Section 6364, as amended, the task force shall develop findings and recommendations for obtaining such authority.

5. The task force shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education by December first annually.

161.890. 1. There is hereby established the “School Accountability Board”. Board members shall be appointed as follows:

(1) The commissioner of education shall choose two members from among no more than three individuals from each of the following organizations:

(a) The Missouri association of school administrators;

(b) The Missouri chapter of the national education association;

(c) The Missouri chapter of the Missouri state teachers association;

(d) The Missouri School Board Association; and

(e) The Missouri Charter Public School Association;

(2) The commissioner shall choose one member from among no more than four individuals nominated by the Missouri charter public school commission;

(3) The president pro tempore of the senate shall choose four members at large with demonstrated expertise in education policy and school improvement, none of whom shall be employees of a public school district or the immediate family members of such employees within the first degree of consanguinity or affinity, and two of whom shall be researchers with expertise on the impact of education and economic development;

(4) The speaker of the house of representatives shall choose:

(a) Two members from business and industry with demonstrated commitment to education; and

(b) Two members at large with demonstrated expertise in education policy and school improvement, none of whom shall be employees of a public school district or the immediate family members of such employees within the first degree of consanguinity or affinity.

(5) Members appointed under subdivisions (1) and (2) of this subsection shall serve at the pleasure

of the commissioner of education. Members appointed under subdivision (3) of this subsection shall serve at the pleasure of the president pro tempore of the senate. Members appointed under subdivision (4) of this subsection shall serve at the pleasure of the speaker of the house of representatives.

2. The president pro tempore of the senate shall designate the first chair of the school accountability board, and the speaker of the house of representatives shall designate the first vice chair of the school accountability board. The president pro tempore of the senate and the speaker of the house of representatives will alternate the duty for the designation of the chair and vice chair every two years after the first designation.

3. Staff members of the department of elementary and secondary education shall provide such legal, research, clerical, technical, and bill drafting services as the school accountability board may require in the performance of its duties.

4. The school accountability board shall advise the state board of education and department of elementary and secondary education on matters pertaining to the development and implementation of the state's school improvement program by:

(1) Working with department and state board of education staff to develop all rules and regulations related to school and district accountability and improvement prior to adoption;

(2) Advising the department and state board of education on policies and practices related to school and district accountability and improvement;

(3) Developing and reviewing the results of an annual, department-administered survey of schools and districts receiving technical assistance related to accountability and improvement; and

(4) Presenting findings and recommendations pertaining to school and district accountability and improvement to the state board of education.

5. The school accountability board shall hold its first meeting by January 1, 2022. The school accountability board shall meet at least quarterly and report a summary of its activities and any recommendations for legislation to the state board of education quarterly.”; and

Further amend said bill, Page 12, Section 162.974, Line 11, by inserting after all of said section and line the following:

“162.1255. 1. For purposes of this section, the following terms shall mean:

(1) “Competency-based credit”, credit awarded by school districts and charter schools to high school students upon demonstration of competency as determined by a school district. Such credit shall be awarded upon receipt of “proficient” or “advanced” on an end-of-course assessment;

(2) “Prior year average attendance percentage”, the quotient of the district or charter school’s prior year average daily attendance divided by the district or charter school’s prior year average yearly enrollment.

2. School districts and charter schools shall receive state school funding under sections 163.031, 163.043, 163.044, and 163.087 for resident pupils enrolled in the school district or charter school and taking competency-based courses offered by the school district.

3. For purposes of calculation and distribution of state aid under section 163.031, attendance of a student enrolled in a district's or charter school's competency-based courses shall equal, upon course completion, the product of the district or charter school's prior year average attendance percentage multiplied by the total number of attendance hours normally allocable to a noncompetency-based course of equal credit value.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 323, Page 19, Section 167.645, Line 177, by inserting after all of said section and line the following:

“170.018. 1. (1) For purposes of this section, “computer science course” means a course in which students study computers and algorithmic processes, including their principles, hardware and software designs, implementation, and impact on society. **The term shall include, but not be limited to, a stand-alone course at any elementary, middle, or high school or a course at any elementary or middle school that embeds computer science content within other subjects.**

(2) The department of elementary and secondary education shall, before July 1, 2019, develop a high school graduation policy that allows a student to fulfill one unit of academic credit with a district-approved computer science course meeting the standards of subsection 2 of this section for any mathematics, science, or practical arts unit required for high school graduation. The policy shall require that all students have either taken all courses that require end-of-course examinations for math and science or are on track to take all courses that require end-of-course examinations for math and science under the Missouri school improvement program in order to receive credit toward high school graduation under this subsection.

(3) A school district shall communicate to students electing to use a computer science course for a mathematics unit that some institutions of higher education may require four units of academic credit in mathematics for college admission. The parent, guardian, or legal custodian of each student who chooses to take a computer science course to fulfill a unit of academic credit in mathematics shall sign and submit to the school district a document containing a statement acknowledging that taking a computer science course to fulfill a unit of academic credit in mathematics may have an adverse effect on college admission decisions.

(4) The department of elementary and secondary education and the department of higher education and workforce development shall cooperate in developing and implementing academic requirements for computer science courses offered in any grade or grades not lower than the ninth nor higher than the twelfth grade.

2. (1) The department of elementary and secondary education shall convene a work group to develop and recommend rigorous academic performance standards relating to computer science for students in kindergarten and in each grade not higher than the twelfth grade. The work group shall include, but not be limited to, educators providing instruction in kindergarten or in any grade not higher than the twelfth grade and representatives from the department of elementary and secondary education, the department of higher education and workforce development, business and industry, and institutions of higher education. The department of elementary and secondary education shall develop written curriculum frameworks relating to computer science that may be used by school districts. The requirements of section 160.514 shall not apply to this section.

(2) The state board of education shall adopt and implement academic performance standards relating to computer science beginning in the 2019-20 school year.

3. Before July 1, 2019, the department of elementary and secondary education shall develop a procedure by which any teacher who holds a certificate of license to teach under section 168.021 and demonstrates sufficient content knowledge of computer science shall receive a special endorsement on [his or her] **the teacher's** license signifying [his or her] **the teacher's** specialized knowledge in computer science.

4. (1) For purposes of this subsection, “eligible entity” means:

(a) A local educational agency, or a consortium of local educational agencies, in the state, including charter schools that have declared themselves local educational agencies;

(b) An institution of higher education in the state; or

(c) A nonprofit or private provider of nationally recognized and high-quality computer science professional development, as determined by the department of elementary and secondary education.

(2) There is hereby created in the state treasury the “Computer Science Education Fund”. The fund shall consist of all moneys that may be appropriated to it by the general assembly and any gifts, contributions, grants, or bequests received from private or other sources for the purpose of providing teacher professional development programs relating to computer science. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of grants to eligible entities as described in this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(3) The state board of education shall award grants from the computer science education fund to eligible entities for the purpose of providing teacher professional development programs relating to computer science. An eligible entity wishing to receive such a grant shall submit an application to the department of elementary and secondary education addressing how the entity plans to:

(a) Reach new and existing teachers with little computer science background;

(b) Use effective practices for professional development;

(c) Focus the training on the conceptual foundations of computer science;

(d) Reach and support historically underrepresented students in computer science;

(e) Provide teachers with concrete experience with hands-on, inquiry-based practices; and

(f) Accommodate the particular needs of students and teachers in each district and school.

5. (1) For all school years beginning on or after July 1, 2022, each public high school and charter high school shall offer at least one computer science course in an in-person setting or as a virtual or distance course option;

(2) Any computer science course or instruction offered under this subsection shall:

(a) Be of high quality as defined by the state board of education;

(b) Meet or exceed the computer science performance standards developed and adopted by the department of elementary and secondary education under this section; and

(c) For any computer science course offered by a public high school or charter high school, the course catalog must be listed as an option in the school's course catalog.

(3) On or before June thirtieth of each school year, each school district shall submit to the department of elementary and secondary education a report for the current school year which shall include, but not be limited to:

(a) The names and course codes of computer science courses offered in each school in the district with a course description and which computer science performance standards are covered, to the extent such information is available;

(b) The number and percentage of students who enrolled in each computer science course, listed by the categories in subparagraphs a. to f. of this paragraph. If a category contains one to five students or contains a quantity of students that would allow the quantity of another category that contains five or fewer to be deduced, the number shall be replaced with a symbol:

a. Sex;

b. Race and ethnicity;

c. Special education status including, but not limited to, students receiving services under the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq., as amended) or Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794), as amended;

d. English language learner status;

e. Eligibility for free or reduced price meals; and

f. Grade level; and

(c) The number of computer science instructors at each school, listed by the following categories:

a. Applicable certifications;

b. Sex;

c. Race and ethnicity; and

d. Highest academic degree.

(4) On or before June thirtieth of each school year, the department of elementary and secondary education shall post the following on the department's website:

(a) Data received under paragraphs (a) and (b) of subdivision (3) of this subsection, disaggregated by school and aggregated statewide; and

(b) Data received under paragraph (c) of subdivision (3) of this subsection, aggregated statewide.

(5) On or before June thirtieth of each school year, the department of elementary and secondary education shall publish a list of computer science course codes and names with a course description

and an indication of which courses meet or exceed the department of elementary and secondary education's computer science performance standards.

6. The department of elementary and secondary education shall appoint a computer science supervisor. The computer science supervisor shall be responsible for implementing the provisions of this section.

7. For all school years beginning on or after July 1, 2022, a computer science course successfully completed and counted toward state graduation requirements shall be equivalent to one science course or one practical arts credit for the purpose of satisfying any admission requirements of any public institution of higher education in this state.

8. The department of elementary and secondary education shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after December 18, 2018, shall be invalid and void.”; and

Further amend said bill, Page 20, Section 170.029, Line 48, by inserting after all of said section and line the following:

“170.036. 1. There is hereby established the “Computer Science Education Task Force”.

2. The task force shall consist of the following members:

(1) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority leader of the house of representatives;

(2) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority leader of the senate;

(3) The governor or the governor's designee;

(4) The commissioner of education or the commissioner's designee;

(5) The commissioner of higher education or the commissioner's designee; and

(6) Eleven members who represent the interests of each of the following groups, to be appointed by the commissioner of education:

(a) The state board of education;

(b) Private industry in this state with interest in computer science;

(c) Nonprofit organizations;

(d) An association of school superintendents;

(e) An association of school board members

- (f) An association of elementary school principles**
- (g) An association of secondary school principles**
- (h) A representative from a Missouri public higher education institution**
- (i) A representative from a Missouri private, non-profit higher education institution**
- (j) A statewide association representing computer science teachers; and**
- (k) A secondary teacher leader from career and technical education representing computer science teachers.**

3. The mission of the computer science education task force shall be to develop a state strategic plan for expanding a statewide computer science education program, including the following:

- (1) A statement of purpose that describes the objectives or goals the state board of education will accomplish by implementing a computer science education program, the strategies by which those goals will be achieved, and a timeline for achieving those goals;**
- (2) A summary of the current state landscape for K-12 computer science education, including demographic reporting of students taking these courses;**
- (3) A plan for expanding computer science education opportunities to every school in the state within five years and increasing the representation of students from traditionally underserved groups, in computer science including female students, students from historically underrepresented racial and ethnic groups, students with disabilities, English-language learner students, students who qualify for free and reduced-price meals, and rural students;**
- (4) A plan provided within one year of the task force forming, for each school serving any of the grades kindergarten through eighth grade to provide instruction in the basics of computer science and computational thinking in an integrated or standalone format by the 2024-25 school year without creating a learning loss in the existing curriculum;**
- (5) A plan for ensuring teachers are well-prepared to begin teaching computer science, including defining high-quality professional learning for in-service teachers and strategies for pre-service teacher preparation;**
- (6) An ongoing evaluation process that is overseen by the state board of education;**
- (7) Proposed rules that incorporate the principles of the master plan into the state's public education system as a whole; and**
- (8) A plan to ensure long-term sustainability for computer science education.**

4. The speaker of the house of representatives shall designate the chair of the task force, and the president pro tempore of the senate shall designate the vice chair of the task force.

5. Members of the task force shall serve without compensation, but the members and any staff assigned to the task force shall receive reimbursement for actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof. All task force members shall be subject to the same conflict of interest provisions in chapter 105 that are enforced by the Missouri ethics commission in the same manner that elected or appointed officials and employees are subject

to such provisions.

6. The task force shall hold its first meeting within three months from the effective date of this section.

7. Before June 30, 2022, the task force shall present a summary of its activities and any recommendations for legislation to the general assembly.

8. The computer science education task force shall dissolve on June 30, 2023.”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 323, Page 25, Section 171.033, Line 89, by inserting after all of said section and line the following:

“173.831. 1. As used in this section, the following terms mean:

(1) “Academic skill intake assessment”, a criterion-referenced assessment of numeracy and literacy skills with high reliability and validity as determined by third-party research;

(2) “Accredited”, holding an active accreditation from one of the seven United States regional accreditors including, but not limited to, the Middle States Commission on Higher Education, the New England Association of Schools and Colleges, the Higher Learning Commission, the Northwest Commission on Colleges and Universities, the Southern Association of Colleges and Schools, the Western Association of Schools and Colleges, and the Accrediting Commission for Community and Junior Colleges, as well as any successor entities or consolidations of the above including, but not limited to, AdvancEd or Cognia;

(3) “Adult dropout recovery services”, includes, but is not limited to, sourcing, recruitment, and engagement of eligible students, learning plan development, active teaching, and proactive coaching and mentoring, resulting in an accredited high school diploma;

(4) “Approved program provider”, a public, not-for-profit, or other entity that meets the requirements of subdivision (2) of subsection 3 of this section or any consortium of such entities;

(5) “Average cost per graduate”, the amount of the total program funding reimbursed to a provider divided by the total graduates for a cohort year;

(6) “Career pathways coursework”, one or more courses that align with the skill needs of industries in the economy of the state or region that help an individual enter or advance within a specific occupation or occupational cluster;

(7) “Career placement services”, services designed to assist students in obtaining employment such as career interest self-assessments and job search skills such as resume development and mock interviews;

(8) “Coaching”, proactive communication between the approved program provider and the student related to the student’s pace and progress through the student’s learning plan;

(9) “Department”, the department of elementary and secondary education;

(10) “Employability skills certification”, a certificate earned by demonstrating professional nontechnical skills through assessment, portfolio, or observation;

(11) “Graduate”, a student who has successfully completed all of the state and approved program

provider requirements in order to obtain a high school diploma;

(12) “Graduation rate”, the total number of graduates for the fiscal year divided by all students for the fiscal year for whom the approved program provider has received funding, calculated one fiscal year in arrears;

(13) “Graduation requirements”, course and credit requirements for the approved program provider’s accredited high school diploma;

(14) “High school diploma”, a diploma issued by an accredited institution;

(15) “Industry-recognized credential”, an education-related credential or work-related credential that verifies an individual’s qualification or competence issued by a third party with the relevant authority to issue such credentials;

(16) “Learning plan”, a documented plan for courses or credits needed for each individual in order to complete program and approved program provider graduation requirements;

(17) “Mentoring”, a direct relationship between a coach and a student to facilitate the completion of the student’s learning plan designed to prepare the student to succeed in the program and the student’s future endeavors;

(18) “Milestones”, objective measures of progress for which payment is made to an approved program provider under this section such as earned units of high school credit, attainment of an employability skills certificate, attainment of an industry-recognized credential, attainment of a technical skills assessment, and attainment of an accredited high school diploma;

(19) “Program”, the workforce diploma program established in this section;

(20) “Request for qualifications”, a request for interested potential program providers to submit evidence that they meet the qualifications established in subsection 3 of this section;

(21) “Student”, a participant in the program established in this section who is twenty-one years of age or older, who is a resident of Missouri, and who has not yet earned a high school diploma;

(22) “Technical Skills Assessment”, a criterion-referenced assessment of an individual’s skills required for an entry-level career or additional training in a technical field.

(23) “Transcript evaluation”, a documented summary of credits earned in previous public or private accredited high schools compared with the program and approved program provider graduation requirements;

(24) “Unit of high school credit”, credit awarded based on a student’s demonstration that the student has successfully met the content expectations for the credit area as defined by subject area standards, expectations, or guidelines.

2. There is hereby established the “Workforce Diploma Program” within the department of elementary and secondary education to assist students with obtaining a high school diploma and developing employability and career technical skills. The program may be delivered in campus-based, blended, or online modalities.

3. (1) Before September 1, 2022, and annually thereafter, the department shall issue a request for qualifications for interested program providers to become approved program providers and

participate in the program.

(2) Each approved program provider shall meet all of the following qualifications:

- (a) Be an accredited high school diploma-granting entity;**
- (b) Have a minimum of two years of experience providing adult dropout recovery services;**
- (c) Provide academic skill intake assessments and transcript evaluations to each student. Such academic skill intake assessments may be administered in person or online;**
- (d) Develop a learning plan for each student that integrates graduation requirements and career goals;**
- (e) Provide a course catalog that includes all courses necessary to meet graduation requirements;**
- (f) Offer remediation opportunities in literacy and numeracy, as applicable;**
- (g) Offer employability skills certification or technical skills assessments, as applicable;**
- (h) Offer career pathways course work, as applicable;**
- (i) Offer preparation for industry-recognized credentials as applicable; and**
- (j) Offer career placement services, as applicable.**

(3) Upon confirmation by the department that an interested program provider meets all of the qualifications listed in subdivision (2) of this subsection, an interested program provider shall become an approved program provider.

4. (1) The department shall announce the approved program providers before October sixteenth annually, with authorization for the approved program providers to begin enrolling students before November fifteenth annually.

(2) Approved program providers shall maintain approval without reapplying annually if the approved program provider has not been removed from the approved program provider list under this section.

5. All approved providers shall comply with requirements as provided by the department to ensure:

- (1) An accurate accounting of a student's accumulated credits toward a high school diploma;**
- (2) An accurate accounting of credits necessary to complete a high school diploma; and**
- (3) The provision of course work aligned to the academic performance standards of the state.**

6. (1) Except as provided in subdivision (2) of this subsection, the department shall pay approved program providers for the following milestones provided by the approved program provider:

- (a) Two hundred fifty dollars for the completion of each half unit of high school credit;**
- (b) Two hundred fifty dollars for attaining an employability skills certification;**
- (c) Two hundred fifty dollars for attaining an industry-recognized credential or technical skills assessment requiring no more than fifty hours of training;**

(d) Five hundred dollars for attaining an industry-recognized credential requiring at least fifty-one but no more than one hundred hours of training;

(e) Seven hundred fifty dollars for attaining an industry-recognized credential requiring more than one hundred hours of training; and

(f) One thousand dollars for attaining an accredited high school diploma.

(2) No approved program provider shall receive funding for a student under this section if the approved program provider receives federal or state funding or private tuition for that student. No approved program provider shall charge student fees of any kind including, but not limited to, textbook fees, tuition fees, lab fees, or participation fees unless the student chooses to obtain additional education offered by the program provider that is not included in the state-funded program.

(3) Payments made under this subsection shall be subject to an appropriation made to the department for such purposes.

7. (1) Approved program providers shall submit monthly invoices to the department before the eleventh calendar day of each month for milestones met in the previous calendar month.

(2) The department shall pay approved program providers in the order in which invoices are submitted until all available funds are exhausted.

(3) The department shall provide a written update to approved program providers by the last calendar day of each month. The update shall include the aggregate total dollars that have been paid to approved program providers to date and the estimated number of enrollments still available for the program year.

8. Before July sixteenth of each year, each provider shall report the following metrics to the department:

(1) The total number of students who have been funded through the program;

(2) The total number of credits earned;

(3) The total number of employability skills certifications issued;

(4) The total number of industry-recognized credentials or technical skills assessments earned for each tier of funding; and

(5) The total number of graduates.

9. (1) Before September sixteenth of each year, an approved eligible program provider shall conduct and submit to the department the aggregate results of a survey of individuals who graduated from the program of the approved eligible program provider under this section. The survey shall be conducted in the year after the year in which the individuals graduate and the next four consecutive years.

(2) The survey shall include at least the following data collection elements for each year the survey is conducted:

(a) The individual's employment status, including whether the individual is employed full-time or part-time;

(b) The individual's hourly wages;

(c) The individual's access to employer-sponsored healthcare; and

(d) The individual's postsecondary enrollment status, including whether the individual has completed a postsecondary certificate or degree program.

10. (1) Upon the end of the second fiscal year of the program, the department shall review data from each approved program provider to ensure that each is achieving minimum program performance standards including, but not limited to:

(a) A minimum of a fifty percent graduation rate;

(b) An average cost per graduate of seven thousand dollars or less.

(2) Any approved program provider that fails to meet the minimum program performance standards described in subdivision (1) of this subsection shall be placed on probationary status for the remainder of the fiscal year by the department.

(3) Any approved program provider that fails to meet the minimum program performance standards described in subdivision (1) of this subsection for two consecutive years shall be removed from the approved provider list by the department.

11. (1) No approved program provider shall discriminate against a student on the basis of race, color, religion, national origin, ancestry, sex, sexuality, gender, or age.

(2) If an approved program provider determines that a student would be better served by participating in a different program, the approved provider may refer the student to the state's adult basic education services.

12. (1) There is hereby created in the state treasury the "Workforce Diploma Program Fund", which shall consist of any grants, gifts, donations, bequests, or moneys appropriated under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

13. The director of the department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 323, Page 12, Section 162.686, Line 14, by inserting after all of said section and line the following:

“162.720. 1. (1) This subdivision shall apply to all school years ending on or before June 30, 2023. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

(2) For all school years beginning on or after July 1, 2023, if three percent or more of students enrolled in a school district are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, the district shall establish a state-approved gifted program for gifted children.

2. For all school years beginning on or after July 1, 2023, any teacher providing gifted services to students in districts with an average daily attendance of more than three hundred fifty students shall be certificated in gifted education. In districts with an average daily attendance of three hundred fifty students or fewer, any teacher providing gifted services shall not be required to be certificated to teach gifted education but such teacher shall annually participate in at least six clock hours of professional development paid for by the school district focused on gifted services.

3. The state board of education shall determine standards for such gifted programs and gifted services. Approval of [such] gifted programs shall be made by the state department of elementary and secondary education based upon project applications submitted [by July fifteenth of each year] at a time and in a form determined by the department of elementary and secondary education.

[3.] 4. No district shall make a determination as to whether a child is gifted based on the child’s participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.

[4.] 5. Any district with a gifted education program approved under subsection [2] 3 of this section shall have a policy, approved by the board of education of the district, that establishes a process that outlines the procedures and conditions under which parents or guardians may request a review of the decision that determined that their child did not qualify to receive services through the district’s gifted education program.

[5.] 6. School districts and school district employees shall be immune from liability for any and all acts or omissions relating to the decision that a child did not qualify to receive services through the district’s gifted education program.

7. The department of elementary and secondary education may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 323, Page 5, Section 160.263, Line 148, by inserting after all of said section the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students:

(a) Earn credits toward any type of college degree while in high school; or

(b) Proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies [which] **that** will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic

school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 or 9 of this section.

8. The department of higher education and workforce development shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 11 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least two years that meets the requirements of subsection 2 of this section and who has graduated from such a school; except that, students who are active duty military dependents, and students who are dependents of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty who meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the two-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school or through the semester immediately before taking the course for which reimbursement is sought as determined by rule of the department of higher education and workforce development, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department. **When determining whether a student has earned a minimal grade average in the 2019-20 or 2020-21 school years for purposes of this subdivision, the department shall apply the student's highest available high school grade average so that the student is not adversely affected by any negative change in the student's academic performance directly caused by the coronavirus named SARS-CoV-2, the international outbreak of respiratory disease named "coronavirus disease 2019" and abbreviated as "COVID-19", or any changes in methods of instruction implemented by the student's school district because of COVID-19. Any rule establishing a requirement that a student obtain a certain algebra end-of-course examination score or other applicable standardized test score, as determined by the department, shall not apply to a high school senior graduating in the 2020-21 school year;** and

(4) Who is a citizen or permanent resident of the United States.

9. The department of higher education and workforce development shall, by rule, establish a procedure for the reimbursement of the cost of tuition, and fees for any dual-credit or dual-enrollment course offered to a student in high school in association with an institution of higher education or vocational or technical school, subject to the requirements of subsection 11 of this section, for any student who meets the requirements established in subsection 8 of this section immediately before taking the course for which reimbursement is sought.

10. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

11. For a two-year private vocational or technical school to obtain reimbursements under subsection 8 or 9 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

12. The department of higher education and workforce development shall distribute reimbursements in the following manner:

(1) To community college or vocational or technical school students;

(2) After all students from subdivision (1) of this subsection have been reimbursed, to any dual-credit or dual-enrollment student on the basis of financial need.”; and

Further amend said bill, Page 26, Section 186.080, Line 44, by inserting after all of said section and line the following;

“Section B. Because immediate action is necessary to protect students from adverse impacts to student success in educational and career endeavors caused by COVID-19 and related disruptions in school routines, the repeal and reenactment of section 160.545 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 160.545 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Bill No. 323, Page 1, Line 1 by inserting after the phrase “No. 323,” the following:

“Page 9, Section 160.3005, Line 6, by deleting the phrase “**at two hour intervals**” and inserting in lieu thereof the phrase “**at intervals agreed upon by the district and the individual**”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Bill No. 323, Page 1, Line 4 by deleting all of the said line and inserting in lieu thereof the following:

“161.214. 1. As used in this section, the following terms mean:

(1) “Board”, the state board of education;

(2) “Department”, the department of elementary and secondary education;

(3) “School innovation team”, a group of natural persons representing:

(a) A single elementary or secondary school;

(b) A group of two or more elementary or secondary schools within the same school district that share common interests, such as geographical location or educational focus, or that sequentially serve

classes of students as they progress through elementary and secondary education;

(c) A group of two or more elementary or secondary schools not within the same school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education;

(d) A single school district; or

(e) A group of two or more school districts that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education;

(4) “School innovation waiver”, a waiver granted by the board to a single school, group of schools, single school district, or group of school districts under this section, in which the school, group of schools, school district, or group of school districts is exempt from a specific requirement imposed by chapter 160, 161, 162, 167, 170, or 171, or any regulations promulgated under such chapters by the board or the department. Any school innovation waiver granted to a school district or group of school districts shall apply to every elementary and secondary school within the school district or group of school districts unless the plan specifically provides otherwise.

2. Any school innovation team seeking a school innovation waiver may submit a plan to the board for one or more of the following purposes:

(1) Improving student readiness for employment, higher education, vocational training, technical training, or any other form of career and job training;

(2) Increasing the compensation of teachers; or

(3) Improving the recruitment, retention, training, preparation, or professional development of teachers.

3. Any plan for a school innovation waiver shall:

(1) Identify the specific provision of law for which a waiver is being requested and provide an explanation for why the specific provision of law inhibits the ability of the school or school district to accomplish the goal stated in the plan;

(2) Demonstrate that the intent of the specific provision of law can be addressed in a more effective, efficient, or economical manner and that the waiver or modification is necessary to implement the plan;

(3) Include measurable annual performance targets and goals for the implementation of the plan;

(4) Specify the innovations to be pursued in meeting one or more of the goals listed in subsection 2 of this section;

(5) Demonstrate parental, school employee, and community and business support for, and engagement with, the plan; and

(6) Be approved by at least the minimum number of people required to be on the school innovation team prior to submitting the plan for approval.

4. (1) In evaluating a plan submitted by a school innovation team under subsection 2 of this

section, the board shall consider whether the plan will:

- (a) Improve the preparation, counseling, and overall readiness of students for postsecondary life;
- (b) Increase teacher salaries in a financially sustainable and prudent manner; or
- (c) Increase the attractiveness of the teaching profession for prospective teachers and active teachers alike.

(2) The board may approve any plan submitted under subsection 2 of this section if the board determines that:

- (a) The plan successfully demonstrates the ability to address the intent of the provision of law to be waived in a more effective, efficient, or economical manner;
- (b) The waivers or modifications are demonstrated to be necessary to stimulate or improve student readiness for postsecondary life, increase teacher salaries, or increase the attractiveness of the teaching profession for prospective teachers and active teachers;
- (c) The plan has demonstrated sufficient participation from among the teachers, principal, superintendent, faculty, school board, parents, and the community at large; and
- (d) The plan is based upon sound educational practices, does not endanger the health and safety of students or staff, and does not compromise equal opportunity for learning.

(3) The board may propose modifications to the plan in cooperation with the school innovation team.

5. Any waiver granted under this section shall be effective for a period of no longer than three school years beginning the school year following the school year in which the waiver is approved. Any waiver may be renewed. No more than one school innovation waiver shall be in effect with respect to any one elementary or secondary school at one time.

6. This section shall not be construed to allow the board to authorize the waiver of any statutory requirements relating to school start date, teacher certification, teacher tenure, or any requirement imposed by federal law.

7. The board may promulgate rules implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

161.217. 1. The department of elementary and secondary education, in collaboration with”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Bill No. 323, Page 1, Line 32 by inserting after all the said line the following:

“Further amend said bill, Page 19, Section 167.645, Line 177, by inserting after all of said section and line the following:

“168.036. 1. In addition to granting certificates of license to teach in public schools of the state as provided in section 168.021, the state board of education shall grant substitute teacher certificates as provided in this section to any individual seeking to substitute teach in any public school in this state.

2. (1) The state board shall not grant a certificate of license to teach under this section to any individual who has not completed a background check as described in section 168.133.

(2) A background check conducted under this subsection shall be valid for four years for purposes of the certificate granted under this section and shall be transferrable from one school district to another district except as provided in subdivision (3) of this subsection.

(3) A school district employing a substitute teacher who has a certificate granted under this section may require the teacher to complete the background check annually. A school district may require the background check required in this section for a newly hired substitute teacher to be conducted at the teacher’s expense.

(4) The state board may refuse to issue or renew, suspend, or revoke any certificate sought or issued under this section in the same manner and for the same reasons as provided in section 168.071.

3. The state board may grant a certificate under this section to any individual who has completed the background check required in this section and who has completed:

(1) At least thirty-six semester hours at an accredited institution of higher education and the orientation required in subsection 6 of this section; or

(2) The twenty-hour online training program required in this section and who possesses a high school diploma or the equivalent thereof.

4. The state board may grant a certificate under this section to any highly qualified individual with expertise in a technical or business field or with experience in the Armed Forces of the United States who has completed the background check required in this section but does not meet any of the qualifications in subdivision (1) or (2) of subsection 3 of this section if the superintendent of the school district sponsors such individual and the school board of the school district in which the individual seeks to substitute teach votes to approve such individual to substitute teach.

5. (1) An individual to whom the state board grants a certificate under this section may be a substitute teacher in any public school in the state if a school district superintendent, school district assistant superintendent, or public school principal in this state agrees to employ the individual as a substitute teacher.

(2) No individual to whom the state board grants a certificate under this section and who is under twenty years of age shall be a substitute teacher in grades nine to twelve.

6. An individual to whom the state board grants a certificate under this section shall complete an orientation developed and offered by the school district for which the individual originally teaches. The orientation for such individual shall contain at least two hours of subjects appropriate for substitute teachers and shall contain instruction on the school district’s best practices for classroom management. Such orientation completed in any school district may be accepted by any subsequent

district in which the individual substitute teaches. A subsequent school district may require the individual to complete a separate and distinct local orientation for the particular school district before the individual may substitute teach in the subsequent school district.

7. A certificate granted under this section shall be valid for four years. A certificate granted under this section shall expire at the end of any calendar year in which the individual fails to substitute teach for at least five days or forty hours of in-seat instruction.

8. The department of elementary and secondary education shall develop an online training program for individuals granted a certificate under subdivision (2) of subsection 3 of this section. The training program shall consist of twenty hours of training related to subjects appropriate for substitute teachers as determined by the department. A substitute teacher shall complete an orientation for substitute teachers provided by the school district in which the substitute teacher teaches.

9. Any individual possessing a valid certificate of license to teach granted by the state board shall be deemed to be a substitute teacher under this section if the individual has completed a background check as required in this section.

10. The state board may exercise the board's authority as provided in chapter 161 to promulgate all necessary rules and regulations necessary for the administration of this section.”; and “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 323, Page 11, Section 161.097, Line 38, by inserting after all of the said section and line the following:

“161.217. 1. The department of elementary and secondary education, in collaboration with the Missouri Head Start State Collaboration Office and the departments of health and senior services, mental health, and social services, shall develop[, as a three-year pilot program,] a voluntary early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.

2. Participation in the early learning quality assurance report [pilot] program shall be voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and are providing services for children from any ages from birth up to kindergarten.

3. The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement.

4. The early learning quality assurance report shall not be used for enforcement of compliance with any law or for any punitive purposes.

5. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly

pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset [three years after August 28, 2019] **four years after August 28, 2021**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset [three years] **four years** after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 323, Page 1, Section A, Line 5, by inserting after all of said line the following:

“9.308. The first full week in February is hereby designated as “School Counseling Week” in the state of Missouri. Citizens of this state are encouraged to participate in appropriate events and activities that recognize the important work of school counselors in helping Missouri’s students succeed in school and beyond.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SBs 153** and **97**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SBs 153** and **97**.

Emergency Clause Adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 126**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 520**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 520**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 86**, and has taken up and passed **CCS** for **SB 86**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 303**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 303**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SS No. 2** for **SB 26**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SS No. 2** for **SB 26**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **CCS** for **HCS** for **SB 72**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **HB 661**.

Emergency Clause Defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 36**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 5**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 226**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 226**.

Emergency Clause Adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HBs 85** and **310** and has taken up and passed **SS** for **SCS** for **HCS** for **HBs 85** and **310**.

Emergency Clause Adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SBs 51** and **42**.

Bill ordered enrolled.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Tuesday, May 25, 2021.

✓

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY—TUESDAY, MAY 25, 2021

The Senate met pursuant to adjournment.

President Pro Tem Schatz in the Chair.

RESOLUTIONS

On behalf of Senator Riddle, Senator Schatz offered Senate Resolution No. 412, regarding Corrections Case Manager II Amber Stubenrauch, Troy, which was adopted.

On behalf of Senator Rehder, Senator Schatz offered Senate Resolution No. 413, regarding Reagen Tibbs, which was adopted.

On behalf of Senator Riddle, Senator Schatz offered Senate Resolution No. 414, regarding Corrections Officer I John B. Pree, Foley, which was adopted.

On behalf of Senator Luetkemeyer, Senator Schatz offered Senate Resolution No. 415, regarding the Fortieth Wedding Anniversary of Bernie and Jaime Meyer, St. Joseph, which was adopted.

On behalf of Senator Luetkemeyer, Senator Schatz offered Senate Resolution No. 416, regarding the Fiftieth Wedding Anniversary of Dennis and Jane Snyder, St. Joseph, which was adopted.

On behalf of Senator Luetkemeyer, Senator Schatz offered Senate Resolution No. 417, regarding the Fiftieth Wedding Anniversary of Byron and Barbara (Berry) Weed, St. Joseph, which was adopted.

On behalf of Senator White, Senator Schatz offered Senate Resolution No. 418, regarding Jim Furgerson, which was adopted.

On behalf of Senator Riddle, Senator Schatz offered Senate Resolution No. 419, regarding Jennie Johnley, Troy, which was adopted.

On behalf of Senator Riddle, Senator Schatz offered Senate Resolution No. 420, regarding Waylene Wilhoit Hiles, Mexico, which was adopted.

On behalf of Senator Hough, Senator Schatz offered Senate Resolution No. 421, regarding Thomas Miller, which was adopted.

On behalf of Senator White, Senator Schatz offered Senate Resolution No. 422, regarding the Fiftieth Anniversary of Buffalo Days, Greenfield, which was adopted.

On behalf of Senator White, Senator Schatz offered Senate Resolution No. 423, regarding the Twenty-fifth Anniversary of the Dade County Veterans Memorial, which was adopted.

On behalf of Senator White, Senator Schatz offered Senate Resolution No. 424, regarding Terry Rodelandier, Joplin, which was adopted.

On behalf of Senator White, Senator Schatz offered Senate Resolution No. 425, regarding Davin Sexton, Carthage, which was adopted.

MESSAGES FROM THE HOUSE

The following corrected messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2** for **HB 661** and has taken up and passed **SS No. 2** for **HB 661**.

Emergency Clause Defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 86** with **HA 1**, **HA 2**, and **HA 3**, and has taken up and passed **CCS** for **SB 86**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 72**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 72**.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Schatz submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 5**; **CCS No. 2** for **HCS** for **SS No. 2** for **SB 26**; **SB 36**; **HCS** for **SS** for **SB 44**; **SS** for **SB 45**; **SS No. 2** for **SCS** for **SBs 51** and **42**; **CCS** for **HCS** for **SS** for **SCS** for **SBs 53** and **60**; **SS** for **SCS** for **SB 57**; **CCS** for **HCS** for **SB 72**; **CCS** for **SB 86**; **SS** for **SCS** for **SB 126**; **CCS** for **HCS** for **SS** for **SCS** for **SBs 153** and **97**; **CCS** for **HCS** for **SB 226**; **CCS** for **HCS** for **SB 303**; **CCS** for **HS** for **HCS** for **SCS** for **SB 520**; **SCR 4**; and **SCR 6**, begs leave to report that it has examined the same and finds that the bills and concurrent resolutions have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 5**; **HCS** for **SS** for **SB 6**; **CCS No. 2** for **HCS** for **SS No. 2** for **SB 26**; **SB 36**; **SS** for **SB 45**; **HCS** for **SCS** for **SB 49**; **SS No. 2** for **SCS** for **SBs 51** and **42**; **CCS** for **HCS** for **SS** for **SCS** for **SBs 53** and **60**; **SS** for **SCS** for **SB 57**; **HCS** for **SS** for **SCS** for **SB 71**; **CCS** for **HCS** for **SB 72**; **CCS** for **SB 86**; **SS** for **SCS** for **SB 106**; **SS** for **SCS** for **SB 120**; **SS** for **SCS** for **SB 126**; **CCS** for **HCS** for **SS** for **SCS** for **SBs 153** and **97**; **CCS** for **HCS** for **SB 226**; **SS No. 2** for **SCS** for **SB 262**; **CCS** for **HCS** for **SB 303**; **CCS** for **HS** for **HCS** for **SCS** for **SB 520**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may

become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **HCS for HB 1; CCS for SS for SCS for HCS for HB 2; CCS for SS for SCS for HCS for HB 3; CCS for SS for SCS for HCS for HB 4; CCS for SCS for HCS for HB 5; CCS for SCS for HCS for HB 6; CCS for SCS for HCS for HB 7; CCS for SCS for HCS for HB 8; CCS for SCS for HCS for HB 9; CCS for SS for SCS for HCS for HB 10; CCS for SS for SCS for HCS for HB 11; CCS for SCS for HCS for HB 12; SCS for HCS for HB 13; HCS for HB 17; SCS for HCS for HB 18; SS for SCS for HCS for HB 19; SCS for HCS No. 2 for HB 69; SS for SCS for HCS for HBs 85 and 310; CCS for SS No. 2 for SCS for HCS for HB 271; SS No. 2 for HS for HB 297; SS for HB 345; HCS for HB 349; SCS for HCS for HB 362; HCS for HB 402; SS for SCS for HS for HB 432; SS for HCS for HBs 557 and 560; SS for HCS for HB 574; SCS for HCS for HB 685; SS for SCS for HCS for HB 697; and HCS for HJR 35**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCR 4; and SCR 7**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Moon submitted the following:

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – SB 44

Missouri's Constitution states in Article III, section 21, "... no bill shall be so amended through its passage through either house as to change its original purpose." The original purpose of Senate bill 44 was "relating to water and sewer infrastructure." The purpose of the Truly Agreed and Finally Passed bill was changed to "relating to utilities."

In addition to the bill's purpose of water and sewer infrastructure, changes were made to widen the scope of the bill to include energy connections (filed as a standalone bill), service territories of retail electric service providers (filed as a standalone bill), assessment of certain public utility property (filed as a standalone bill), common sewer districts (filed as a standalone bill), assessments against public utilities (filed as a standalone bill), competitive bidding (filed as a standalone bill), and rural electric cooperatives (filed as a standalone bill). The last provision gives a rural electric cooperative board of directors authority to set the time and place of the annual meeting and to provide for voting by proxy, whether in-person or virtually. While rural electric cooperatives are associated with utilities, they are not typically associated with water and/or sewer infrastructure. And, the subject of setting the annual meeting and providing the ability to vote by proxy is certainly not related to water and sewer infrastructure.

While each of the standalone bills may be linked together by their association with utilities, it is a stretch to attempt a relationship with water and/or sewer infrastructure. If the bill sponsor purposed to include the additional language, does it not seem logical that the original purpose

would have been specifically relating to utilities when the bill was introduced?

Lastly, Missouri constitution, Article III, section 23 states, “No bill shall contain more than one subject which shall be clearly expressed in its title.” It is clear that SB 44 contains more than one subject: water and sewer infrastructure, service territories of retail electric service providers, public utility property, common sewer districts, assessments against public utilities, competitive bidding, and rural electric cooperatives; and therefore has violated the constitution and will of the people.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – SB 63

Since a statewide PDMP will require the creation of database (which is likely to be shared with the federal government and other states), Missouri resident’s rights are at risk of being violated.

Missouri Constitution, Article I, section 15 refers to unreasonable searches and seizures. It states: “... the people shall be secure in their persons, papers, homes, effects, and electronic communications and data, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, or access electronic data or communication, shall issue without describing the place to be searched, or the person or thing to be seized, or the data or communication to be accessed, as nearly as may be; nor without probable cause, supported by written oath or affirmation.”

In addition, it states in the Federal Register/ Volume 81, No. 3/ Wednesday, January 6, 2016/ Rules and Regulations, p. 382 (under the heading: Department of Health and Human Services, Office of the Secretary, 45 CFR 164), Health Insurance Portability and Accountability Act (HIPAA)

Action: The final rule

Summary: The Department of Health and Human Services is issuing this final rule to modify the HIPAA of 1996 Privacy rule to expressly permit certain HIPAA covered entities to disclose to the National Instant Criminal Background Check System (NICS) the identities of individuals who are subject to a Federal “mental health prohibitor” that disqualifies them from shipping, transporting, possessing, or receiving a firearm.

The NICS is a national system maintained by the FBI to conduct background checks on persons who may be disqualified from receiving firearms.

Residents of states participating in PDMPs will be subject to scrutiny (and the potential of being unable to “keep and bear arms”):

From Missouri’s PDMP bill (SB 63), p. 7, lines 188 – 197:

“No patient dispensation information shall be provided to local state, or federal law enforcement or prosecutorial officials, both in-state and out-of-state, or any regulatory board, professional or otherwise, for any purposes *other than those explicitly set forth in HIPAA and regulations promulgated thereunder.*”

Although proponents of SB 63 publicly state that the data of Missourians will not be shared and that Missourians ability to “keep and bear arms,” the information noted in the Federal Registry indicates the possibility of data sharing and the potential prohibition of firearms ownership.

SB 63, if enacted into law, will violate the Missouri Constitution.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – SB 176

Missouri's Constitution states in Article III, section 21, "... no bill shall be so amended through its passage through either house as to change its original purpose." The original purpose of Senate bill 176 was "relating to personal delivery devices." These devices may operate on sidewalks and crosswalks, and may operate on county or municipal roadways provided they do not unreasonably interfere with motor vehicles or traffic.

The purpose of the Truly Agreed and Finally Passed bill was changed to "relating to emerging technologies." This change in purpose allowed for the addition of food delivery platforms (filed as a standalone bill with the sole purpose of regulating the delivery of food from a restaurant to a consumer), electric bicycles (an argument could be made for this addition under the original purpose, if the bicycles are intended to be for purpose of deliveries – but, that is not the intent. The original purpose of the electric bicycle bill was to regulate electric bicycles), administrative fees charged by vehicle dealers in connection with the sale or lease of a vehicle (now, the addition of this standalone bill is certainly a stretch. The purpose of this addition is to collect a 10% administrative fee in order to modernize a computer system) and, digital electronic equipment (this standalone bill introduced a definition for the term "digital electronic equipment"... a far cry from the original purpose of SB 176).

While each of the standalone bills may be linked together by their association with emerging technologies, it is a stretch to otherwise attempt a relationship with personal delivery devices. If the bill sponsor purposed to include the additional language, does it not seem logical that the original purpose would have been specifically relating to emerging technologies when the bill was introduced?

Lastly, Missouri constitution, Article III, section 23 states, "No bill shall contain more than one subject which shall be clearly expressed in its title." It is clear that SB 176 contains more than one subject: personal delivery devices, food delivery platforms, electric bicycles, administrative fees, and the definition for digital electronic equipment; and therefore has violated the constitution and will of the people.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – SB 258

Missouri's Constitution states in Article III, section 21, "... no bill shall be so amended through its passage through either house as to change its original purpose." The original purpose of Senate bill 258 was an "act providing that service members of the Missouri National Guard shall be considered as state employees for the purposes of operating state owned vehicles for official state business unless they are called into active federal military service by order of the President of the United States."

The purpose of the Truly Agreed and Finally Passed bill was changed to an "act modifying provisions relating to military affairs, including classification of National Guard members and infrastructure and armory designations for members of the military." This change in purpose allowed for the addition of the Sergeant Robert Wayne Crow, Jr. Memorial Armory. If only this addition were made, at least the Truly Agreed and Finally Passed title would have been correct.

However, the remaining additions, while honorable, do not fit under the new title, an "act modifying provisions relating to military affairs, including: classification of National Guard members and infrastructure and armory designations for members of the military." The amended bill also includes infrastructure designations (naming 21 separate roads or bridges for individuals who have served in the United States military). While these are worthy endeavors, it is clear that the original purpose has been abandoned.

Other road/bridge naming/designation bills were passed by the legislature in the 101st General Assembly, First Regular Session – while maintaining the bills original purpose and single subject (see SB 520, for example). Each of these additions were filed as individual bills. I would have voted in support of each bill as a standalone bill.

Lastly, Missouri constitution, Article III, section 23 states, “No bill shall contain more than one subject which shall be clearly expressed in its title.” It is clear that SB 258 contains more than one subject: providing that service members of the Missouri National Guard shall be considered as state employees for the purposes of operating state owned vehicles for official state business unless they are called into active federal military service by order of the President of the United States and bridge *and* roadway designations; and therefore has violated the constitution and will of the people.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – HB 273

Missouri’s Constitution states in Article III, section 21, “... no bill shall be so amended through its passage through either house as to change its original purpose.” The original purpose of HB 273 was “related to shampooing.” The bill prohibits the Division of Professional Registration from requiring a license if a person engages solely in shampooing under the supervision of a licensed barber or cosmetologist.”

The purpose of the Truly Agreed and Finally Passed bill was changed to “relating to professional registration.” This change allowed for the inclusion of licensure reciprocity, the creation of an Occupational Therapy Licensure Compact, grounds for the disqualification for licensure, the regulation of dietitians, the regulation of architects, engineers, and landscape architects, complaints against psychologists, complaints against individuals in real estate, continuing education for insurance producers, defines the relationship between athlete agents and removes the prohibition placed on the ability of student athletes to benefit monetarily from activities related to sport while in school, and allows a pharmacist to dispense medication for HIV post-exposure prophylaxis subject to a written protocol authorized by a licensed physician.

If I were a gambler, I’d wager a bet that even a high school student would recognize that the original purpose of HB 273 has strayed from the bill’s original purpose of “shampooing.” The Missouri constitution, Article III, section 23 states, “No bill shall contain more than one subject which shall be clearly expressed in its title.” It is clear that SB 273 contains more than one subject and therefore has violated the constitution and will of the people.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – HB 369

Missouri’s Constitution states in Article III, section 21, “... no bill shall be so amended through its passage through either house as to change its original purpose.” The original purpose of House Bill 369 was “relating to liability for prescribed burns.”

The purpose of the Truly Agreed and Finally Passed bill was changed to “relating to land management.” This change in title gave cover for

additions including: historic cemeteries, feral hogs, private campground liability protection, landowner liability, and access to private property. These additions under the new title are indeed stretching the land management title. For example, the purpose of the feral hog bill dealt with a change in the definition of hogs, the release and transport of hogs, and the hunting of hogs. While feral hogs can, and have, damaged land, the purpose of the amendment is not land management.

Lastly, Missouri constitution, Article III, section 23 states, “No bill shall contain more than one subject which shall be clearly expressed in its title.” Only attorneys (and, perhaps, those who were successful in amending HB 369) could, with a straight face, argue that HB 369 does not violate the Missouri Constitution and the will of the people.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – HB 476

Missouri’s Constitution states in Article III, section 21, “... no bill shall be so amended through its passage through either house as to change its original purpose.” The original purpose of House Bill 476 was “relating to occupational licensure reciprocity for members of the military.”

The purpose of the Truly Agreed and Finally Passed (TAFPD) bill was changed to “professional registration.” The varied inclusions were pesticide certification and training, denial of licensure protocols, the creation of an occupational therapy licensure compact, architects, professional engineers, and landscape architects, complaints against psychologists, H.I.V. post-exposure prophylaxis, the Prescription Cares for Missouri program, and protocols for compensation related to real estate brokers. Clearly, there is no relation between these additions to HB 476 and “occupational licensure reciprocity for members of the military” except, perhaps, that there is human involvement.

Lastly, Missouri constitution, Article III, section 23 states, “No bill shall contain more than one subject which shall be clearly expressed in its title.”

While it is clear that TAFPD title of HB 476 covers all of the final version’s amendments, it is abundantly clear that the bill contains more than one subject and therefore has violated the constitution and will of the people.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – HB 604

Missouri’s Constitution states in Article III, section 21, “... no bill shall be so amended through its passage through either house as to change its original purpose.” The original purpose of House Bill 604 was “relating to certificates of self-insurance.” The bill would allow any religious denomination that discourages its members from purchasing insurance as being contrary to its religious tenets, but has more than 25 members with motor vehicles, to qualify as a self-insurer by obtaining a self-insurance certificate issued by the Director of the Department of Revenue.

The purpose of the Truly Agreed and Finally Passed (TAFPD) bill was changed to “relating to insurance.” If only this addition were made,

at least the TAFPd title would have been correct.

Instead, the following amendments were added to HB 604: Long-term care insurance, workers' compensation benefits; the second injury fund surcharge; petroleum storage tank insurance fund; continuing education credits for insurance producers; credit for re-insurance as an asset or reduction from liability of an insurer; mental health insurance coverage; issuance of funding agreements; explanations of refusal to write automobile insurance; property insurance; group personal lines for property and casualty insurance; and Missouri statutory thresholds for settlements involving minors act.

Most of these additions were filed as individual bills. And, while individually, each bill is "relating to insurance" (the TAFPd purpose), they are not "relating to certificates of self-insurance" (the bill's original purpose). To re-iterate, Missouri's Constitution states in Article III, section 21 states, "... no bill shall be so amended through its passage through either house as to change its original purpose."

In addition, HB 604 violates Missouri constitution, Article III, section 23 states, "No bill shall contain more than one subject which shall be clearly expressed in its title."



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate
201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – HB 661

Missouri's Constitution states in Article III, section 21, "... no bill shall be so amended through its passage through either house as to change its original purpose." The original purpose of House Bill 661 was "relating to the operation of a commercial motor vehicle." The bill disqualifies any person from driving a commercial motor vehicle for life if they are convicted of using a commercial motor vehicle in the commission of a felony involving severe forms of trafficking in persons.

The Truly Agreed and Finally Passed (TAFPd) bill included items related to the commercial vehicle towing committee, fees for records requests, alternative fuel decals, the establishment of the electric vehicle task force, the establishment of the joint task force on school bus safety, the Department of Transportation's cost estimates and project completion dates, electric bicycles, the registration of farm vehicles, the modification of local log trucks, the repeal of historic motor vehicle mileage restrictions, the repeal of the certain vehicle registration requirements, changes in vehicular odometer readings, the creation of the motor vehicle administration technology fund, the establishment of the motor vehicle financial responsibility and enforcement fund, requirements for Head Start school buses, the modification of the definition of motor clubs, the operation of personal delivery devices, auxiliary lighting for motorcycles, vehicle safety inspections, digital electronic equipment in motor vehicles, scrap metal, and, finally, limitations on where a motor vehicle may be legally parked.

The original purpose was "relating to the operation of a commercial motor vehicle," specifically with regard to the conviction of a person involved in human trafficking. An additional 22 bills were attached to the original bill as a result of the title change.

The Missouri constitution, Article III, section 23 states, "No bill shall contain more than one subject which shall be clearly expressed in its title." It is clear that HB 661 contains more than one subject and therefore has violated the constitution and will of the people.



Mike Moon
District 29

Also,

May 25, 2021
Adriane Crouse
Secretary of the Senate

201 W. Capitol Avenue
Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION – HB 734

Missouri's Constitution states in Article III, section 21, "... no bill shall be so amended through its passage through either house as to change its original purpose." The original purpose of House Bill 734 was "relating to financing for electrical corporations."

The Truly Agreed and Finally Passed (TAFPd) bill changed the purpose to "relating to utilities." The change in purpose allowed for the inclusion of the Missouri electricity bill reduction act, specifying that axillary power may be purchased on a wholesale basis for use at an electric generation facility located in Cass County which began operating prior to August 28, 2021, and is operated as an independent power producer. In addition, under this bill, no political subdivision shall adopt an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer.

HB 734 provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

In addition, HB 734 includes language relating to property assessments, depreciation schedules, issuance of bonds, territorial agreements, rules for renewal natural gas programs, the purchase of auxiliary power, approval of special rates by the PSC, setting base rates for customers, coal-fired electrical generation, changing the definition of rural area populations, allowing rural electric cooperative boards to set annual meetings by electronic and virtual means, and other definition changes.

With the many additional inclusions in HB 734, the bill has strayed far from the original purpose of "relating to financing for electrical corporations." The Missouri constitution, Article III, section 23 states, "No bill shall contain more than one subject which shall be clearly expressed in its title." It is clear that HB 734 contains more than one subject. Although the Constitution allows for a bill's title to be changed, it clearly prohibits the changing of the original purpose. In this case, HB 734 has violated the constitution.



Mike Moon
District 29

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for SS for SB 44; SS for SB 63; HCS for SS for SB 176; and SS for SB 258**, having passed both branches of the General Assembly, would be read at length by the Secretary, and, the objections notwithstanding, the bills would be signed by the President Pro Tem to the end that they may become law. The bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **CCS for SS No. 2 for SCS for HB 273; SS for HCS for HB 369; HB 476; SCS for HB 604; SS No. 2 for HB 661; and CCS for SS for SCS for HCS for HB 734**, having passed both branches of the General Assembly, would be read at length by the Secretary, and, the objections notwithstanding, the bills would be signed by the President Pro Tem to the end that they may become law. The bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 5; HCS for SS for SB 6; CCS No. 2 for HCS for SS No. 2 for SB 26; SB 36; HCS for SS for SB 44; SS for SB 45; HCS for SCS for SB 49; SS No. 2 for SCS for SBs 51 and 42; CCS for HCS for SS for SCS for SBs 53 and 60; SS for SCS for SB 57; SS for SB 63; HCS for SS for SCS for SB 71; CCS for HCS for SB 72; CCS for SB 86; SS for SCS for SB 106; SS for SCS for SB 120; SS for SCS for SB 126; CCS for

HCS for SS for SCS for SBs 153 and 97; HCS for SS for SB 176; CCS for HCS for SB 226; SS for SB 258; SS No. 2 for SCS for SB 262; CCS for HCS for SB 303; and CCS for HS for HCS for SCS for SB 520, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

**CONCURRENT RESOLUTIONS
DELIVERED TO THE GOVERNOR**

SCR 4 and SCR 7, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

May 25, 2021

Adriane Crouse

Secretary of the Senate

Missouri State Capitol Building, Room 325

Jefferson City, MO 65101

Dear Mrs. Crouse,

Pursuant to Senate Rule 31, I hereby establish the following interim committees:

Elections – Crawford

This committee shall study and make recommendations regarding election integrity.

Sen. Crawford, Chair

Sen. Hegeman, Vice Chair

Sen. Cierpiot

Sen. Onder

Sen. May

Sen. Washington

This committee may solicit from agencies and individuals all information necessary to fulfill its obligations.

This committee shall be staffed by Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chair.

Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

The Committee shall issue a report as to their findings and recommendations, as approved by a majority of the members of the committee, to the president pro tempore of the Missouri Senate no later than December 31, 2021, at which point the committee shall be dissolved.

MO Underground Safety Review - Schatz

This committee shall study and make recommendations regarding current statewide services and ensuring compliance with the One Call system.

Sen. Schatz, Chair

Sen. Cierpiot, Vice Chair

Sen. Bean

Sen. Eslinger

Sen. Beck

Sen. Razer

This committee may solicit from agencies and individuals all information necessary to fulfill its obligations.

This committee shall be staffed by Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chair.

Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

The Committee shall issue a report as to their findings and recommendations, as approved by a majority of the members of the committee, to the president pro tempore of the Missouri Senate no later than December 31, 2021, at which point the committee shall be dissolved.

Greater St. Louis Regional Emerging Issues – Gannon

This committee shall study and make recommendations regarding economic social and cultural quality of the greater St. Louis region.

Sen. Gannon, Chair

Sen. Onder, Vice Chair

Sen. Hoskins

Sen. Koenig

Sen. Schatz

Sen. May

Sen. Roberts

Sen. Schupp

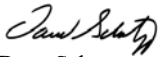
This committee may solicit from agencies and individuals all information necessary to fulfill its obligations.

This committee shall be staffed by Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chair.

Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

The Committee shall issue a report as to their findings and recommendations, as approved by a majority of the members of the committee, to the president pro tempore of the Missouri Senate no later than December 31, 2021, at which point the committee shall be dissolved.

Sincerely,



Dave Schatz

President Pro Tem

Also,

May 25, 2021

Adriane Crouse

Secretary of the Senate

Missouri State Capitol Building, Room 325

Jefferson City, MO 65101

Dear Mrs. Crouse,

Pursuant to Senate Rule 31, I hereby am requesting the Standing Committee on Economic Development to meet during interim.

The committee shall study and make recommendations regarding rural economic development.

This committee may solicit from agencies and individuals all information necessary to fulfill its obligations.

This committee shall be staffed by Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chair.

Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

Sincerely,



Dave Schatz

President Pro Tem

On motion of Senator Schatz, the Senate adjourned pursuant to the Constitution.

MIKE KEHOE

Lieutenant Governor

ADRIANE D. CROUSE

Secretary of the Senate

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JOURNAL OF THE SENATE
ONE HUNDRED FIRST GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST EXTRA SESSION
OF THE
FIRST REGULAR SESSION

FIRST DAY—WEDNESDAY, JUNE 23, 2021

The Senate was called to order in Extra Session by President Kehoe.

Senator Hegeman offered the following prayer:

“Let me hear of your loving kindness in the morning, for I put my trust in you: show me the road that I must walk for I lift my soul to you.”
(Psalm 144:8)

Heavenly Father, You have brought us here safely to do the business we have been called to do in this special session. We pray that You will be with us during this time that our work for the common good, provides ways that are helpful and needed and will be the best work we can provide for the people of this great State of Missouri. Therefore, we pray that the Holy Spirit will be with us in the decisions we make and keep our stress levels to a minimum and help us keep serving You and our people. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

**COMMUNICATIONS FROM THE
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, on May 30, 2021, the General Assembly adjourned pursuant to Article III, Section 20(a) of the Missouri Constitution; and

WHEREAS, Sections 190.800 to 190.839 RSMo authorize the ground ambulance service reimbursement allowance; and

WHEREAS, Sections 198.401 to 198.439 RSMo authorize the nursing facility reimbursement allowance; and

WHEREAS, Sections 208.431 to 208.437 RSMo authorize the Medicaid managed care organization reimbursement allowance; and

WHEREAS, Sections 408.453 to 408.482 RSMo authorize the federal reimbursement allowance (“FRA”); and

WHEREAS, Sections 338.500 to 338.550 RSMo authorize the pharmacy tax; and

WHEREAS, Section 633.401 RSMo authorize the intermediate care facility for the intellectually disabled assessment; and

WHEREAS, such reimbursement allowances, taxes, and assessments are set to expire on September 30, 2021; and

WHEREAS, the General Assembly adjourned without extending the expiration date of such allowances, taxes, and assessments; and

WHEREAS, the calculation of state revenues for the Fiscal Year 2022 state operating budget included the provision of such allowances, taxes, and assessments to fund primary components of the MO HealthNet program; and

WHEREAS, the expiration of such allowances, taxes, and assessments will cost the State of Missouri approximately \$591 million dollars in fiscal year 2022 and approximately \$788 million dollars in fiscal year 2023; and

WHEREAS, the expiration of such allowances, taxes, and assessments will also result in reduced payments from the MO HealthNet program to healthcare providers in the amount of \$1.53 billion dollars in fiscal year 2022 and \$2 billion dollars in fiscal year 2023; and

WHEREAS, the expiration of such allowances, taxes, and assessments would also require the State of Missouri to institute immediate cost-savings measures, including rate decreases, elimination of non-mandatory MO HealthNet programs, and would result in additional fee schedule changes that would be detrimental to the citizens of the State of Missouri, and our healthcare providers; and

WHEREAS, these costs will significantly interfere with the provision of healthcare to Missourians and could cause disruptions in our state healthcare system.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the One Hundred and First General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m. on Wednesday, June 23rd, 2021; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation amending Section 190.839 RSMo, in order to extend the expiration of the ground ambulance service reimbursement allowance at least three years beyond the expiration date of September 30, 2021;
2. To enact legislation amending Section 198.439 RSMo, in order to extend the expiration of the nursing facility reimbursement allowance at least three years beyond the expiration date of September 30, 2021;
3. To enact legislation amending Section 208.437 RSMo, in order to extend the expiration of the Medicaid managed care organization reimbursement allowance at least three years beyond the expiration date of September 30, 2021;
4. To enact legislation amending Section 208.480 RSMo, in order to extend the expiration of the FRA at least three years beyond the expiration date of September 30, 2021;
5. To enact legislation amending Section 338.550 RSMo, in order to extend the expiration of the pharmacy tax at least three years beyond the expiration date of September 30, 2021;
6. To enact legislation amending Section 633.401 RSMo, in order to extend the expiration of the intermediate care facility for the intellectually disabled assessment at least three years beyond the expiration date of September 30, 2021;
7. To enact legislation amending subdivision (12) of subsection 1 of Section 208.152 RSMo, to exclude “abortifacient drugs or devices” from family planning services, and to further define “abortifacient drugs or devices” to include the following when prescribed and intended for family planning: mifepristone in a regimen with or without misoprostol when used to induce an abortion; misoprostol alone when used to induce an abortion; levonorgestrel (Plan B) when used to induce an abortion; ulipristal acetate (ella) or other

progesterone antagonists when used to induce an abortion; an intrauterine device (IUD) or a manual vacuum aspirator (MVA) when used to induce an abortion; or any other drug or device approved by the federal Food and Drug Administration that is intended to cause the destruction of an unborn child, as defined in section 188.015;

8. To enact legislation amending Section 208.659 RSMo, in order to exclude a provider from reimbursement under the uninsured women's health program if such provider is an abortion facility, as defined in section 188.015, or any affiliate or associate thereof;
9. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate; and
10. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused to be affixed the Great Seal of the State of
Missouri, in the City of Jefferson, on this 22nd day of
June, 2021.

SEAL

/s/ MICHAEL L. PARSON
GOVERNOR

ATTEST:

/s/ JAY ASHCROFT
SECRETARY OF STATE

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Eigel
Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	Mosley
O'Laughlin	Onder	Razer	Rehder	Riddle	Rizzo	Rowden
Schatz	White	Wieland	Williams—25			

Absent—Senators—None

Absent with leave—Senators

Brattin	Burlison	Crawford	Eslinger	Hough	May	Roberts
Schupp	Washington—9					

Vacancies—None

The Lieutenant Governor was present.

Senator Rowden announced that photographers from KRCG-TV, ABC-17 News, and the Associated Press were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the One Hundred First General Assembly of the State of Missouri, First Regular Session, that the

Secretary of the Senate inform the House of Representatives that the Senate is duly convened in the First Extraordinary Session of the First Regular Session and is ready for consideration of its business.

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED, by the Senate of the One Hundred First General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the One Hundred First General Assembly, First Regular Session, be declared the rules of the First Extra Session of the First Regular Session.

On behalf of Senator May, Senator Rizzo offered Senate Resolution No. 3, regarding the death of Lawanda Joyce Manning, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1—By Hegeman.

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to health care.

SB 2—By Hegeman.

An Act to repeal sections 208.152 and 208.659, RSMo, and to enact in lieu thereof two new sections relating to family planning services.

SB 3—By Hegeman.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

SB 4—By Rizzo, Beck, Williams, Razer, Schupp and Arthur.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to health care.

SB 5—By Hoskins.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to public school curriculum and instruction.

COMMUNICATIONS

Senator Rizzo submitted the following:

June 23, 2021

Adriane Crouse – Secretary of the Senate

State Capitol, Room 325

Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to the provisions of section 21.900 RSMo and in my capacity as minority floor leader, I hereby remove myself from the Joint Committee on Agriculture. I also hereby appoint Senator Doug Beck to fill that vacancy.

Sincerely,



Senator John Rizzo

Minority Floor Leader

District 11

Also,

June 23, 2021

Adriane Crouse – Secretary of the Senate

State Capitol, Room 325

Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to the provisions of section 620.2200 RSMo and in my capacity as minority floor leader, please consider this correspondence to be my appointment of Thomas Andrew Peters of Springfield, Missouri to the Missouri Route 66 Centennial Commission.

Sincerely,



Senator John Rizzo

Minority Floor Leader

District 11

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY—THURSDAY, JUNE 24, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Hegeman

SB 2-Hegeman

SB 3-Hegeman

SB 4-Rizzo, et al

SB 5-Hoskins

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SECOND DAY—THURSDAY, JUNE 24, 2021

The Senate met pursuant to adjournment.

Senator Hough in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Those of steadfast mind You keep in perfect peace--in peace because they trust in You.” (Isaiah 26:3)

Heavenly Father, we have confidence in You, our God, knowing that all we have done, the good and our failings, are in Your forgiving, gracious hands. So we ask You to remove doubts and concerns that afflict our hearts and grant us the strength, joy and calm which You have promised, so we may better serve You and those You have given us to care for. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Brattin	Cierpiot
Eigel	Eslinger	Gannon	Hegeman	Hough	Koenig	Luetkemeyer
Moon	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Rowden	Schatz	Schupp	Washington	White	Wieland

Williams—29

Absent—Senators—None

Absent with leave—Senators

Burlison	Crawford	Hoskins	May	Roberts—5
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Vacancies—None

The Lieutenant Governor was present.

President Kehoe assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1—Appropriations.

SB 2—Appropriations.

SB 3—Appropriations.

SB 4—Appropriations.

SB 5—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Hough.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hough assumed the Chair.

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 4, regarding Rhiannon Lewis, Kansas City, which was adopted.

Senator Washington offered Senate Resolution No. 5, regarding the fortieth anniversary of the Jackson County Chapter of the Links, Incorporated., which was adopted.

Senator Hough offered Senate Resolution No. 6, regarding Dr. Dennis Alan Cooper, Springfield, which was adopted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

June 23, 2021

Ms. Adriane Crouse

Secretary of the Senate

201 West Capitol Avenue

Jefferson City, MO 65101

Dear Ms. Crouse,

Due to Senator Crawford's excused absence on June 24th, I intend to temporarily remove her from the Committee on Appropriations.

Therefore, please remove Senator Crawford from the Committee on Appropriations and replace her with Senator Rowden.

Thank you,



Senator Dave Schatz

President Pro-Tem

Senator Rizzo submitted the following:

June 24, 2021

Adriane Crouse – Secretary of the Senate

State Capitol, Room 325

Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to Senate Rule 12, I hereby remove Senator Karla May from the Committee on Appropriations. I also hereby appoint Senator Greg Razer to fill that vacancy.

Sincerely,



Senator John Rizzo

Minority Floor Leader

District 11

On motion of Senator Rowden, the Senate adjourned until 9:00 a.m., Friday, June 25, 2021.

SENATE CALENDAR

THIRD DAY–FRIDAY, JUNE 25, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRD DAY—FRIDAY, JUNE 25, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“He made of one every nation of men to dwell on the face of the earth, having determined their appointed seasons, and the bounds of their habitation.” (Acts 17:26)

Gracious Lord, You meet us in history as well as our daily lives and show us Your loving kindness. Make us partakers of Your joy as it moves us along with our appointed task this day. As we spend time together and listen to the words of our colleagues we are grateful for the shared knowledge and wisdom we need to bring to a close what is laid before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced that photographers from KRCG-TV, KMBC-TV and KOMU 8 News were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Hoskins—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 7, regarding Gary R. Bangert, Jefferson City, which was adopted.

Senator Brown offered Senate Resolution No. 8, regarding Sergeant Wayne Rapier, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 6—By Onder.

An Act to repeal sections 190.839, 198.439, 208.152, 208.153, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to MO HealthNet.

SB 7—By Moon.

An Act to repeal sections 44.010, 44.032, and 44.100, RSMo, and to enact in lieu thereof three new sections relating to emergency powers.

SB 8—By Moon.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to contagious diseases, with an emergency clause.

SB 9—By Moon.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to middle school, high school, and college athletics.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SB 1** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 1**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 1**

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to health care, with an emergency clause.

Senator Hegeman moved that **SS** for **SB 1** be adopted.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1, Pages 1-17, Section 208.152, by striking all of said section from the bill; and

Further amend said bill, pages 18-19, section 208.659, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted and requested a roll call vote be taken. She

was joined in her request by Senators Mosley, Razer, Schupp and Williams.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

NAYS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hough	Koenig	Luetkemeyer
Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz	White
Wieland—22						

Absent—Senator Riddle—1

Absent with leave—Senator Hoskins—1

Vacancies—None

Senator Onder offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1, Page 3, Section 208.152, Line 69, by inserting after the word “elsewhere” the following: “, **provided, no funds shall be expended to any abortion facility or any affiliate or associate thereof**”.

Senator Onder moved that the above amendment be adopted.

Senator Onder offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 1, Page 1, Line 4, by striking all of said line and inserting in lieu thereof the following: “**facility, as defined in section 188.015, or any affiliate or associate thereof**”; and

Further amend said bill and section, page 17, line 523, by inserting after all of said line the following:

“208.153. 1. Pursuant to and not inconsistent with the provisions of sections 208.151 and 208.152, the MO HealthNet division shall by rule and regulation define the reasonable costs, manner, extent, quantity, quality, charges and fees of MO HealthNet benefits herein provided. The benefits available under these sections shall not replace those provided under other federal or state law or under other contractual or legal entitlements of the persons receiving them, and all persons shall be required to apply for and utilize all benefits available to them and to pursue all causes of action to which they are entitled. Any person entitled to MO HealthNet benefits may obtain it from any provider of services with which an agreement is in effect under this section and which undertakes to provide the services, as authorized by the MO HealthNet division, **provided, said provider shall not include any abortion facility, as defined in section 188.015,**

or any affiliate or associate thereof. At the discretion of the director of the MO HealthNet division and with the approval of the governor, the MO HealthNet division is authorized to provide medical benefits for participants receiving public assistance by expending funds for the payment of federal medical insurance premiums, coinsurance and deductibles pursuant to the provisions of Title XVIII B and XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), as amended.

2. MO HealthNet shall include benefit payments on behalf of qualified Medicare beneficiaries as defined in 42 U.S.C. Section 1396d(p). The family support division shall by rule and regulation establish which qualified Medicare beneficiaries are eligible. The MO HealthNet division shall define the premiums, deductible and coinsurance provided for in 42 U.S.C. Section 1396d(p) to be provided on behalf of the qualified Medicare beneficiaries.

3. MO HealthNet shall include benefit payments for Medicare Part A cost sharing as defined in clause (p)(3)(A)(i) of 42 U.S.C. 1396d on behalf of qualified disabled and working individuals as defined in subsection (s) of Section 42 U.S.C. 1396d as required by subsection (d) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The MO HealthNet division may impose a premium for such benefit payments as authorized by paragraph (d)(3) of Section 6408 of P.L. 101-239.

4. MO HealthNet shall include benefit payments for Medicare Part B cost sharing described in 42 U.S.C. Section 1396(d)(p)(3)(A)(ii) for individuals described in subsection 2 of this section, but for the fact that their income exceeds the income level established by the state under 42 U.S.C. Section 1396(d)(p)(2) but is less than one hundred and ten percent beginning January 1, 1993, and less than one hundred and twenty percent beginning January 1, 1995, of the official poverty line for a family of the size involved.

5. For an individual eligible for MO HealthNet under Title XIX of the Social Security Act, MO HealthNet shall include payment of enrollee premiums in a group health plan and all deductibles, coinsurance and other cost-sharing for items and services otherwise covered under the state Title XIX plan under Section 1906 of the federal Social Security Act and regulations established under the authority of Section 1906, as may be amended. Enrollment in a group health plan must be cost effective, as established by the Secretary of Health and Human Services, before enrollment in the group health plan is required. If all members of a family are not eligible for MO HealthNet and enrollment of the Title XIX eligible members in a group health plan is not possible unless all family members are enrolled, all premiums for noneligible members shall be treated as payment for MO HealthNet of eligible family members. Payment for noneligible family members must be cost effective, taking into account payment of all such premiums. Non-Title XIX eligible family members shall pay all deductible, coinsurance and other cost-sharing obligations. Each individual as a condition of eligibility for MO HealthNet benefits shall apply for enrollment in the group health plan.

6. Any Social Security cost-of-living increase at the beginning of any year shall be disregarded until the federal poverty level for such year is implemented.

7. If a MO HealthNet participant has paid the requested spenddown in cash for any month and subsequently pays an out-of-pocket valid medical expense for such month, such expense shall be allowed as a deduction to future required spenddown for up to three months from the date of such expense.”; and

Further amend the title and enacting clause accordingly.”.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Eigel, Moon and Wieland.

Senator Rizzo raised the point of order that **SA 1 to SA 2** is out of order as it exceeds the scope of the Governor's Extra Session call.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 1**, with **SS**, **SA 2**, **SA 1 to SA 2** and the point of order (pending), on the Informal Calendar.

Senator Bean assumed the Chair.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SB 1**, with **SS**, **SA 2**, **SA 1 to SA 2** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Hegeman, **SS** for **SB 1** was withdrawn, rendering **SA 2**, **SA 1 to SA 2** and the point of order moot.

Senator Hegeman offered **SS No. 2** for **SB 1**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 1

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to health care, with an emergency clause.

Senator Hegeman moved that **SS No. 2** for **SB 1** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 1, Page 3, Section 208.152, Lines 70-72, by striking said lines and inserting in lieu thereof the following:

“(b) No funds shall be”; and further amend line 74, by striking **“. The state”**; and further amend lines 75-77, by striking said lines and inserting in lieu thereof the following: **“;”**.

Senator Onder moved that the above amendment be adopted.

Senator Onder offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 1, Page 1, Line 1, by striking **“Lines 70-72”** and inserting in lieu thereof the following: **“Lines 68-77”**; and further amend lines 4-7 of said amendment, by striking said lines and inserting in lieu thereof the following:

“(6) Physicians’ services, whether furnished in the office, home, hospital, nursing home, or elsewhere, provided, no funds shall be expended to any abortion facility, as defined in section 188.015, or any

affiliate or associate thereof;”; and

Further amend said bill, page 18, section 208.153, lines 16-19, by striking said lines; and further amend line 20, by striking “208.152” and inserting in lieu thereof the following: “**provided, said provider shall not include any abortion facility, as defined in section 188.015, or any affiliate or associate thereof**”.”.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Eigel, Koenig and Moon.

SA 1 to SA 1 failed of adoption by the following vote:

YEAS—Senators

Bean	Brattin	Burlison	Crawford	Eigel	Koenig	Luetkemeyer
Moon	O’Laughlin	Onder	Rehder	Wieland—12		

NAYS—Senators

Arthur	Beck	Bernskoetter	Brown	Cierpiot	Eslinger	Gannon
Hegeman	Hough	May	Mosley	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Williams—21

Absent—Senators—None

Absent with leave—Senator Hoskins—1

Vacancies—None

At the request of Senator Onder, **SA 1** was withdrawn.

At the request of Senator Hegeman, **SS No. 2** for **SB 1** was withdrawn.

Senator Hegeman offered **SS No. 3** for **SB 1**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE BILL NO. 1

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to MO HealthNet.

Senator Hegeman moved that **SS No. 3** for **SB 1** be adopted.

Senator Moon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Bill No. 1, Page 1, Section A, Line 5, by inserting after all of said line the following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than five reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2022 calendar year, the top rate of tax under subsection 1 of this section may be reduced by seventeen-hundredths of one percent. Such reduction in the rate of tax shall take effect on January first of a calendar year.

(2) A reduction in the rate of tax under this subsection shall only occur if one or more institutions is subject to the tax imposed on the endowments of institutions of higher education under section 146.200.

(3) The modification of tax rates under this subsection shall only apply to tax years that begin on

or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] 6. As used in this section, the following terms mean:

(1) “CPI”, the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) “CPI for the preceding calendar year”, the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) “Net general revenue collected”, all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) “Percent increase in inflation”, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

146.200. 1. As used in this section, the following terms shall mean:

(1) “Endowment”, a permanent fund held by an institution of higher education that:

(a) Consists of property, cash, cash equivalents, stocks, bonds, or any other marketable security;

(b) Is used for purposes indicated by donors to such fund or for other purposes related to the mission of the institution of higher education; and

(c) Attempts to maintain and grow the principal of such fund, while annually disbursing all or part of investment earnings generated by the fund;

(2) “Qualifying institution of higher education”, an institution of higher education that:

(a) Is affiliated with, or provides medical faculty to, any abortion facility, as such term is defined in section 188.015;

(b) Offers specific medical residencies or fellowships that offer training in performing or inducing abortions; or

(c) Supports in any manner any abortion facility where abortions are performed or induced when not necessary to save the life of the mother.

2. For all tax years beginning on or after January 1, 2022, a tax is hereby imposed for every tax year on the endowment of a qualifying institution of higher education at a rate of one and nine-tenths percent of the aggregate fair market value of the assets of such endowment. Any institution that becomes a qualifying institution of higher education on or after January 1, 2022, shall remain subject

to the tax imposed under this section regardless of whether such institution no longer meets the definition of a qualifying institution of higher education as defined under this section.

3. Revenues generated by the tax imposed under this section shall be deposited in the general revenue fund.

4. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Eigel and Onder.

Senator Rizzo raised the point of order that **SA 1** is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Hegeman moved that **SS No. 3** for **SB 1** be adopted, which motion prevailed.

At the request of Senator Hegeman, **SS No. 3** for **SB 1** was placed on the Informal Calendar.

On motion of Senator Rowden, the Senate recessed until 10:50 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SS No. 3** for **SB 1** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

On motion of Senator Hegeman, **SS No. 3** for **SB 1** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 3** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SS No. 3** for **SB 1** to the Committee on Governmental Accountability

and Fiscal Oversight.

RESOLUTIONS

Senator Rizzo offered Senate Resolution No. 9, regarding Krystal Olson, Independence, which was adopted.

Senator Rizzo offered Senate Resolution No. 10, regarding Amanda Reasons, Kansas City, which was adopted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

June 25, 2021

Ms. Adriane Crouse

Secretary of the Senate

201 West Capitol Avenue

Jefferson City, MO 65101

Dear Ms. Crouse,

Please remove Senator Rowden from the Committee on Appropriations and replace him with Senator Crawford.

Thank you,



Senator Dave Schatz

President Pro-Tem

INTRODUCTION OF GUESTS

Senator Bernskoetter introduced to the Senate, Fatima Comets 4th grade students, Westphalia.

On behalf of Senator Hegeman and himself, President Kehoe introduced to the Senate, Jason Bagley, Maryville.

On motion of Senator Rowden, the Senate adjourned until 12:05 a.m., Saturday, June 26, 2021.

SENATE CALENDAR

FOURTH DAY – SATURDAY, JUNE 26, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 6-Onder

SB 7-Moon

SB 8-Moon

SB 9-Moon

THIRD READING OF SENATE BILLS

SS#3 for SB 1-Hegeman (In Fiscal Oversight)

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTH DAY—SATURDAY, JUNE 26, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Senator Rowden offered the following prayer:

Lamentations 3:22-23

The steadfast love of the LORD never ceases; his mercies never come to an end; they are new every morning; great is your faithfulness.

Father, we thank you for another day of life and breath and for the opportunity we have to serve the people of Missouri in this beautiful building. We are humbled by the scope of our calling and the depth of the impact every decision we make has on those we serve.

We are grateful today for a new morning, and we are even more grateful for the new mercies you are extending to each of us this day.

As we return home to our families, give us eyes to see and ears to hear the chances we have in our communities to love those who need love and care for those who need a little extra attention.

Our hope rests not in the decisions we make here, but in your everlasting truth and grace.

In Your Name we pray these things - AMEN.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Brattin	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Hoskins—1

Vacancies—None

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 3** for **SB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SS No. 3 for **SB 1**, introduced by Senator Hegeman, entitled:

**SENATE SUBSTITUTE NO. 3 FOR
SENATE BILL NO. 1**

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to MO HealthNet.

Was taken up.

On motion of Senator Hegeman, **SS No. 3** for **SB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hough	Luetkemeyer	May
Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts
Rowden	Schatz	Schupp	Washington	White	Wieland	Williams—28

NAYS—Senators

Brattin	Burlison	Koenig	Moon	Onder—5
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Absent—Senators—None

Absent with leave—Senator Hoskins—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 6—Rules, Joint Rules, Resolutions and Ethics.

SB 7—Rules, Joint Rules, Resolutions and Ethics.

SB 8—Rules, Joint Rules, Resolutions and Ethics.

SB 9—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Rowden, the Senate adjourned until 1:00 p.m., Wednesday, June 30, 2021.

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Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTH DAY—WEDNESDAY, JUNE 30, 2021

The Senate met pursuant to adjournment.

President Pro Tem Schatz in the Chair.

RESOLUTIONS

On behalf of Senator Mosley, Senator Rowden offered Senate Resolution No. 11, regarding the One Hundredth Birthday of Hearslean Hicks, St. Louis, which was adopted.

On behalf of Senator Koenig, Senator Rowden offered Senate Resolution No. 12, regarding Connor L. McFerron, Saint Louis, which was adopted.

On behalf of Senator Eslinger, Senator Rowden offered Senate Resolution No. 13, regarding Wes Murray, Houston, which was adopted.

On behalf of Senator Riddle, Senator Rowden offered Senate Resolution No. 14, regarding the Seventy-Fifth Wedding Anniversary of Gene and Edith Craghead, Fulton, which was adopted.

On behalf of Senator Hough, Senator Rowden offered Senate Resolution No. 15, regarding Carol Embree, which was adopted.

On behalf of Senator Hough, Senator Rowden offered Senate Resolution No. 16, regarding Dr. John Jungmann, Springfield, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 17, regarding Charles Richards, Jefferson City, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 18, regarding Denise A. Cross, Linn, which was adopted.

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 19, regarding Kyle Ryan Freiner, California, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred First General Assembly, First Regular Session, inform the Senate that the House duly convened in the First Extraordinary Session of the First Regular Session on Monday, June 28, 2021, and is convened in full session and ready for consideration of its business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 3** for **SB 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2**, entitled:

An Act to repeal sections 208.152, 208.153, 208.164, and 208.659, RSMo, and to enact in lieu thereof six new sections relating to health care.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 3** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS No. 3** for **SB 1**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SS No. 3 for **SB 1**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

June 30, 2021

Mrs. Adriane Crouse
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Mrs. Crouse:

Pursuant to Senate Rule 31, I am establishing the following Senate Interim Committee:

Senate Interim Committee on Medicaid Accountability and Taxpayer Protection to conduct in-depth studies and make appropriate recommendations concerning the MoHealthNet Program, the protection of unborn human life, and ensuring Missouri tax dollars are spent in accordance with the values of Missourians.

The Committee shall consist of ten members:

Sen. Bill White, Chair
Sen. Karla Eslinger, Vice-Chair
Sen. Mike Bernskoetter
Sen. Justin Brown
Sen. Mike Cierpiot
Sen. Bill Eigel
Sen. Elaine Gannon
Sen. Lauren Arthur
Sen. Karla May
Sen. Jill Schupp

This committee shall be staffed by counsel from Senate Research and Senate Appropriations and may hold public hearings at locations to be determined by the chairman. The committee may solicit any input and information necessary to fulfill its obligations from the appropriate state departments and agencies. Reasonable, actual, and necessary expenses of this committee shall be reimbursed by the Missouri Senate.

The Committee shall issue a report final report as to their findings and recommendations, as deemed necessary by a majority of the members of the committee, to the president pro tempore of the Missouri Senate no later than December 31, 2021, for legislative action.

If you have any questions, please contact me at your earliest convenience.

Thank you,



Senator Dave Schatz

President Pro-Tem

On motion of Senator Rowden, the Senate of the First Extraordinary Session of the First Regular Session of the 101st General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE
Lieutenant Governor

ADRIANE D. CROUSE
Secretary of Senate

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Journal of the Senate

ONE HUNDRED FIRST GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

VETO SESSION

WEDNESDAY, SEPTEMBER 15, 2021

The Senate was called to order in Veto Session by Lieutenant Governor Mike Kehoe.

Reverend Carl Gauck offered the following prayer:

“Remember my affliction and bitterness, the wormwood and the gall! My soul continually thinks of it and is bowed down within me. But this I call to mind, and therefore I have hope. The steadfast love of the Lord never ceases, his mercies never come to an end;...” (Lamentations 3:19-22)

Gracious God: As we gather to serve the people of Missouri we are mindful of the anniversary of 9/11 that just passed and those who brought death, pain and grief to our people. We remember that amidst the charred ruins and bitterness we experienced, we turned to You and You comforted us and gave us hope. In this hope may we find both individually and as a nation, ways to put an end to the violence in our time and seek a unity as one people. We pray, help us Lord, enjoy peace and harmony among us all. And Lord may it begin with us. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Photographers from KOMU 8 were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senator Roberts—1

Absent with leave—Senator Rehder—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator White offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the One-hundred and First General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the One-hundred and First General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communication, regarding vetoed Senate Bills was received by the Secretary of State, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
July 9, 2021

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill 226, entitled:

AN ACT

To repeal sections 137.115, 143.121, 144.011, and 144.080, RSMo, and to enact in lieu thereof seven new sections relating to taxation, with an existing penalty provision and an emergency clause for a certain section.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill 226. My reasons for disapproval are as follows:

While I recognize and applaud the General Assembly in their effort to improve the laws governing taxation, I cannot approve this bill as presented to me.

I understand section 139.305 was designed to narrowly target small, local businesses harmed by overly intrusive local health measures. However, the language of the bill is severely problematic. Section 139.305 creates broad property tax credits for residents of cities or counties whose real property was affected by “restrictive orders” as defined in the bill. The definition of “restrictive orders” includes “any city-wide or county-wide ordinance or order imposed by a city or county that prohibits or otherwise restricts the use of a taxpayer’s real property, including, but not limited to, occupancy restrictions,” but not “any ordinance or order prohibiting or restricting the use of a taxpayer’s real property due to a violation of a public health or safety code.” This section’s broad construction would result in several problems. First, this provision would prevent Missouri residents who live outside of a city or county with a qualifying restrictive order from receiving the property tax credit for business property owned within that jurisdiction. Second, as a result of “restrictive orders” being defined so broadly, nearly anyone living in a city or county could claim a property tax credit under the language of the bill. This is a significant departure from the current tax structure in Missouri, and could severely undermine the ability of cities and counties to provide local services. Additionally, this could result in a city or county violating Article VI, Section 26(f) of the Missouri Constitution if they are unable to make annual debt service payments. Third, this section provides conflicting guidance on tax collection and remittance, which could result in taxpayer frustration and inconsistent application. The intent of the section appears to require a taxpayer to pay their tax bill and then receive a property tax credit; however, the language could allow taxpayers to receive the property tax refund before the property tax is actually paid. I support tax relief for businesses that could not operate during the pandemic due to excessive restrictions. I also value Missouri’s local industries and sympathize with the hardships they have endured over the past 16 months. However, this legislation carries significant unintended consequences that could greatly harm localities beyond its attempted protection of individuals and businesses impacted by COVID-19.

Section 144.142 only benefits a single industry, while many industries were also affected by the recent pandemic. Entertainment venues were

undoubtedly directly impacted by COVID-19, and their presence is vital to our state. However, they were not the only industry that suffered detrimental impacts. There are numerous other affected industries that were not provided this special tax treatment opportunity by the General Assembly. Additionally, the U.S. Small Business Administration recently created a unique grant assistance program specifically designed to provide assistance to entertainment venues, providing over \$16 billion in assistance to these venues for this purpose.

Moreover, and most troubling, Section 144.142 would subvert sales and use taxes from remittance to the state and instead empower private businesses to keep those taxes. This would result in individuals paying sales and use tax under the guise that their funds were being used to fund public services, but instead were maintained by the businesses that collected it as additional profit. Section 144.142 does not broadly serve Missouri's interests.

Regrettably, section 144.813, providing a sales tax exemption for certain cancer treatment devices, would have provided tax relief for Missourians fighting rare cancers. I am supportive of this tax deduction, which is consistent with other related medical devices and provides appropriate state tax relief. It is my hope that the General Assembly will pass this provision again in the next legislative session.

Two of the other provisions of this bill, which I also support, relate to aircraft property taxation and sales tax remittance filing periods. Such provisions have been signed into law in Senate Bills 153 & 97, relating to taxation.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill 226 without my approval.

Respectfully Submitted,
Michael L. Parson
Governor

Senator Rowden moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

CCS for HCS for SB 226 was called thereafter and no motion was taken thereon.

RESOLUTIONS

Senator Eigel offered Senate Resolution No. 3, regarding Dr. Suzanna "Suzy" Zerr, St. Peters, which was adopted.

Senator Eslinger offered Senate Resolution No. 4, regarding Gerald "Jerry" L. Snyder, Bucyrus, which was adopted.

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 5

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of Conference Committee Substitute for House Committee Substitute for Senate Bill 226 when the bill was called by the president.

Senator Bernskoetter offered Senate Resolution No. 6, regarding CeCe Cheek, Lohman, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 7, regarding Dana Honse, Belle, which was adopted.

On motion of Senator Rowden, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred First General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2021 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Article III, Section 32 of the Constitution, adopted no motions to override the Governor's vetoes on **CCS for SS for SCS for HCS for HB 2, CCS for SS for SCS for HCS for HB 3, CCS for SCS for HCS for HB 5, CCS for SCS for HCS for HB 6, CCS for SCS for HCS for HB 7, CCS for SCS for HCS for HB 8, CCS for SCS for HCS for HB 9, CCS for SS for SCS for HCS for HB 10, SCS for HCS for HB 362, SS No. 2 for HB 661, and SCS for HCS for HB 685**, when the bills were called by the Speaker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 11.305 of **CCS for SS for SCS for HCS for HB 11**, for the Children's Division field staff and operations, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11.

AYES: 151

Adams	Aldridge	Anderson	Andrews	Appelbaum	Atchison	Aune
Bailey	Baker	Bangert	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 70	Buchheit-Courtway	Burger	Burnett	Burton	Busick	Butz
Chipman	Christofanelli	Clemens	Coleman 32	Coleman 97	Collins	Cook
Copeland	Cupps	Davidson	Deaton	DeGroot	Derges	Dinkins
Dogan	Doll	Eggleston	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gray	Gregory 51	Gregory 96	Griesheimer
Griffith	Gunby	Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hicks	Houx	Hovis	Hudson	Hurlbert	Ingle
Johnson	Kalberloh	Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Lovasco	Mackey	Mayhew	McCreery	McGaugh	McGill
Merideth	Morse	Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Person	Phifer	Pietzman	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Price	Proudie	Quade	Railsback
Richey	Riggs	Riley	Roberts	Roden	Rogers	Rone
Rowland	Ruth	Sander	Sassmann	Sauls	Schnelting	Schwadron

Seitz	Sharp 36	Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Smith 45	Smith 67	Stevens 46	Taylor 139	Taylor 48	Terry
Thomas	Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker	Van Schoiack
Veit	Wallingford	Walsh 50	Walsh Moore 93	Weber	West	Wiemann
Windham	Wright	Young	Mr. Speaker			

NOES: 3

Davis	Reedy	Stephens 128
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ABSENT: 8

Brown 27	Grier	Hill	McDaniel	Mosley	Schroer	Stacy
Tate						

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 12.265 of CCS for SCS for HCS for **HB 12**, for a program that focuses on crimes against children, located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12.

AYES: 150

Adams	Aldridge	Anderson	Andrews	Appelbaum	Atchison	Bailey
Baker	Bangert	Baringer	Barnes	Basye	Billington	Black 137
Black 7	Boggs	Bosley	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burger	Burnett	Burton	Busick	Butz	Chipman
Christofanelli	Clemens	Coleman 32	Coleman 97	Collins	Cook	Copeland
Cupps	Davidson	Deaton	DeGroot	Derges	Dinkins	Dogan
Doll	Eggleston	Ellebracht	Evans	Falkner	Fishel	Fitzwater
Fogle	Francis	Gray	Gregory 51	Gregory 96	Griesheimer	Griffith
Gunby	Haden	Haffner	Haley	Hannegan	Hardwick	Henderson
Hicks	Houx	Hovis	Hudson	Hurlbert	Ingle	Johnson
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight	Lewis 25	Lewis 6
Lovasco	Mackey	Mayhew	McCreery	McGaugh	McGill	Merideth
Morse	Mosley	Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Person	Phifer	Pietzman	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Price	Proudie	Quade	Railsback
Richey	Riggs	Riley	Roberts	Roden	Rogers	Rone
Rowland	Ruth	Sander	Sassmann	Schnelting	Schwadron	Seitz
Sharp 36	Sharpe 4	Shaul	Shields	Simmons	Smith 155	Smith 163
Smith 45	Smith 67	Stevens 46	Taylor 139	Taylor 48	Terry	Thomas
Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker	Van Schoiack	Veit

Wallingford	Walsh 50	Walsh Moore 93	Weber	West	Wiemann	Windham
Wright	Young	Mr. Speaker				

NOES: 3

Davis	Reedy	Stephens 128
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ABSENT: 9

Aune	Bland Manlove	Grier	Hill	McDaniel	Sauls	Schroer
Stacy	Tate					

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 19.390 of **SS** for **SCS** for **HCS** for **HB 19**, for a Community Improvement District located within one mile of Interstate 70, located in a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19.

AYES: 112

Aldridge	Anderson	Andrews	Atchison	Bailey	Baringer	Barnes
Basye	Black 137	Boggs	Bosley	Brown 16	Brown 27	Buchheit-Courtway
Burger	Burton	Busick	Butz	Chipman	Clemens	Coleman 32
Collins	Cook	Cupps	Davidson	Deaton	Derges	Dogan
Ellebracht	Evans	Falkner	Fishel	Fitzwater	Fogle	Gray
Gregory 51	Griffith	Haden	Haffner	Haley	Hannegan	Hardwick
Hicks	Hovis	Hurlbert	Ingle	Johnson	Kalberloh	Kelley 127
Kelly 141	Kidd	Lewis 6	Mackey	Mayhew	McGaugh	Merideth
Morse	Mosley	Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Person	Phifer	Pietzman	Pike	Plocher	Porter
Pouche	Price	Proudie	Quade	Railsback	Richey	Riggs
Riley	Roberts	Roden	Rogers	Rone	Rowland	Sander
Sassmann	Schnelting	Schwadron	Seitz	Sharp 36	Sharpe 4	Shaul
Shields	Smith 155	Smith 163	Smith 45	Smith 67	Stevens 46	Taylor 48
Terry	Thomas	Thompson	Toalson Reisch	Turnbaugh	Unsicker	Van Schoiack
Veit	Wallingford	Walsh 50	Weber	West	Young	Mr. Speaker

NOES: 38

Adams	Appelbaum	Aune	Baker	Bangert	Billington	Black 7
Bromley	Burnett	Christofanelli	Coleman 97	Copeland	Davis	DeGroot
Dinkins	Doll	Eggleston	Francis	Gregory 96	Griesheimer	Gunby
Henderson	Hudson	Knight	Lewis 25	Lovasco	McCreery	McGill
Pollitt 52	Pollock 123	Reedy	Ruth	Simmons	Stephens 128	Taylor 139

Trent Walsh Moore 93 Wiemann

PRESENT: 2

Brown 70 Windham

ABSENT: 10

Bland Manlove Grier Hill Houx McDaniel Sauls Schroer
Stacy Tate Wright

VACANCIES: 1

The Senate observed a moment of silence in honor of Lance Corporal Jared Schmitz.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 4.056 of **CCS** for **SS** for **SCS** for **HCS** for **HB 4**, for refunds of overpayment of sales and use tax for which the taxpayer was notified of the expansion of the Department of Revenue's interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4.

AYES: 152

Adams	Aldridge	Anderson	Andrews	Appelbaum	Atchison	Aune
Bailey	Baker	Bangert	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Chipman	Christofanelli	Clemens	Coleman 32	Coleman 97	Collins
Cook	Copeland	Cupps	Davidson	Davis	Deaton	DeGroot
Derges	Dinkins	Dogan	Doll	Eggleston	Ellebracht	Evans
Falkner	Fishel	Fitzwater	Fogle	Francis	Gray	Gregory 51
Gregory 96	Griesheimer	Griffith	Gunby	Haden	Haffner	Haley
Hannegan	Hardwick	Henderson	Hicks	Houx	Hovis	Hudson
Hurlbert	Ingle	Johnson	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 25	Lewis 6	Lovasco	Mackey	Mayhew	McCreery
McGaugh	McGill	Morse	Mosley	Murphy	Nurrenbern	O'Donnell
Owen	Patterson	Perkins	Phifer	Pietzman	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Proudie	Quade	Railsback
Richey	Riggs	Riley	Roberts	Roden	Rogers	Rone
Rowland	Ruth	Sander	Sassmann	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Smith 45	Smith 67	Stevens 46	Tate	Taylor 139
Taylor 48	Terry	Thomas	Thompson	Toalson Reisch	Trent	Turnbaugh

Unsicker	Van Schoiack	Veit	Wallingford	Walsh 50	Walsh Moore 93	Weber
West	Wiemann	Wright	Young	Mr. Speaker		

NOES: 2

Reedy	Stephens 128
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PRESENT: 2

Merideth	Windham
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ABSENT: 6

Grier	Hill	McDaniel	Person	Price	Stacy
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VACANCIES: 1

Senator Moon moved that Section 4.056 of **CCS** for **SS** for **SCS** for **HCS** for **HB 4**, for refunds of overpayment of sales and use tax for which the taxpayer was notified of the expansion of the Department of Revenue's interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance, be passed, the objections of the Governor thereto notwithstanding.

President Kehoe stated that Senator Moon was not recognized to make the above motion.

Senator Eigel raised the point of order that President Kehoe erred in not recognizing Senator Moon for the veto override motion.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Moon rose to appeal the ruling made by the President Pro Tem on Senator Eigel's point of order.

Senator Rowden requested a roll call vote be taken and was joined in his request by Senators Hoskins, Hough, Schatz and White.

At the request of Senator Moon, the appeal was withdrawn.

Senator Hegeman moved that Section 4.056 of **CCS** for **SS** for **SCS** for **HCS** for **HB 4**, for refunds of overpayment of sales and use tax for which the taxpayer was notified of the expansion of the Department of Revenue's interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance, be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Arthur	Beck	Brattin	Burlison	Eigel	Hoskins	Koenig
Moon	Mosley	Onder	Razer	Rizzo	Williams—13	

NAYS—Senators

Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger	Gannon
Hegeman	Hough	Luetkemeyer	O'Laughlin	Riddle	Rowden	Schatz
White—15						

Absent—Senators

May	Roberts	Schupp	Washington	Wieland—5
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Absent with leave—Senator Rehder—1

Vacancies—None

CCS for SS for SCS for HCS for HB 11 was called thereafter and no motion was taken thereon.

Senator Hegeman moved that Section 12.265 of **CCS for SCS for HCS for HB 12**, for a program that focuses on crimes against children, located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Arthur	Beck	Brattin	Burlison	Eigel	Hoskins	Koenig
Lutkemeyer	Moon	Mosley	Onder	Razer	Rizzo	Rowden
Washington	Williams—16					

NAYS—Senators

Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger	Gannon
Hegeman	Hough	O’Laughlin	Riddle	Schatz	White—13	

Absent—Senators

May	Roberts	Schupp	Wieland—4
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Absent with leave—Senator Rehder—1

Vacancies—None

SS for SCS for HCS for HB 19 was called thereafter and no motion was taken thereon.

On motion of Senator Rowden, the Senate of the Veto Session of the First Regular Session of the 101st General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE

Lieutenant Governor

ADRIANE D. CROUSE

Secretary of Senate

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